

# LAFCO MEMORANDUM

## ***SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION***

105 East Anapamu Street • Santa Barbara CA 93101 • (805) 568-3391 + Fax (805) 568-2249

April 4, 2024 (Agenda)

TO: Each Member of the Commission

FROM: Mike Prater  
Executive Officer

SUBJECT: **Receive and File A Report on CALAFCO 2024 Current Tracked Legislation**

*This is an Informational Report. No Action is Necessary*

### CALAFCO Tracked Legislation

The CALAFCO Legislative Committee convened two meetings on February 16, 2024 and March 22, 2024. Your Executive Officer participates by ZOOM. A copy of the available Meeting Agendas is attached as **Attachment A**.

A number of the listed bills, are progressing through the legislative process. Staff will verbally update the Commission on the status of these bills at the meeting.

CALAFCO is tracking 15 bills during the current legislative session. The List of Current Tracked Bills, as of March 18, 2023, are attached as **Attachment B**. Of particular note are Assembly Bill 3277 sponsored by CALAFCO as Omnibus Bill. A letter of support is also requested.

Senate Bill 1209 (Cortese) introduced a bill that would add LAFCOs to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding. A letter of support is also requested.

### Attachments

Attachment A – CALAFCO Legislative Committee Agenda- February 16 & March 22, 2024

Attachment B – List of CALAFCO Current Tracked Bills

Please contact the LAFCO office if you have any questions.



## CALAFCO Legislative Committee **MEETING AGENDA**

**Friday, February 16, 2024 ♦ 9:00 am – 11:00 am**  
Virtual via Zoom

<https://us02web.zoom.us/j/84812590526>

**Meeting ID: 848 1259 0526**

**Phone: 669-900-6833**

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1. Convene and Roll Call	<i>R. LaRoche</i>	
2. Approve Minutes of the January 12, 2024 meeting	<i>R. LaRoche</i>	3
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a. Omnibus Bill		
b. Indemnification Proposal		
c. 56133 Proposal		
4. Legislation Affecting LAFCOs	<i>R. LaRoche</i>	19
Priority One Bills: NONE		
Priority Two Bills: NONE		
Priority Three Bills: 3		
a) AB 805 (Arambula) Sewer service: disadvantaged communities.		23
<i>Brown Act:</i>		
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6. CALAFCO Items for next meeting		
7. Good of the Order		
8. Adjournment to March 22, 2024 at 9:00 a.m. – to be held virtually		

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**CALAFCO Legislative Committee**  
**DRAFT ACTION MEETING MINUTES**

<b>Date:</b>	January 12, 2024		
<b>Location:</b>	Held virtually		
<b>Present:</b>			
BOARD MEMBERS:			
<input type="checkbox"/>	<b>CONNELLY, Bill (N)</b>	<input checked="" type="checkbox"/>	<b>McGILL, Michael (Co)</b>
<input checked="" type="checkbox"/>	<b>GUTIERREZ, Yxstian (S)</b>	<input checked="" type="checkbox"/>	<b>McGREGOR, Derek (S, Alt)</b>
<input type="checkbox"/>	<b>JONES, Gay (Ce, Alt)</b>	<input checked="" type="checkbox"/>	<b>MOHLER, Margie (A/L, Alt)</b>
		<input checked="" type="checkbox"/>	<b>PAQUE, Anita (Ce)</b>
		<input checked="" type="checkbox"/>	<b>ROOT ASKEW, Wendy (Co, Alt)</b>
		<input type="checkbox"/>	<b>SUSMAN, Josh (N, Alt)</b>
		<input checked="" type="checkbox"/>	<b>WALLACE, Tamara (A/L, Alt)</b>
STAFF APPOINTMENTS:			
<input type="checkbox"/>	<b>ALSOP, Clark</b>	<input checked="" type="checkbox"/>	<b>LUCAS, Steve (No, Butte)</b>
<input type="checkbox"/>	<b>BELL, Gary</b>	<input checked="" type="checkbox"/>	<b>LaROCHE, René</b>
<input checked="" type="checkbox"/>	<b>BRAMFITT, Mark (Co, Sonoma)</b>	<input checked="" type="checkbox"/>	<b>LUOMA, Kai (Co, Ventura)</b>
<input type="checkbox"/>	<b>BROWNE, Scott</b>	<input checked="" type="checkbox"/>	<b>LYTLE-PINHEY, Sara (Ce, Stan.)</b>
<input checked="" type="checkbox"/>	<b>de SOUSA, Paula</b>	<input checked="" type="checkbox"/>	<b>McINTYRE, Michelle (Ce, Placer)</b>
<input checked="" type="checkbox"/>	<b>GRAF, Paula (So, Imperial)</b>	<input type="checkbox"/>	<b>MUMPOWER, Priscilla (So, Alt, S.D.)</b>
<input checked="" type="checkbox"/>	<b>ROMO, Adriana (So, L.A.)</b>	<input checked="" type="checkbox"/>	<b>SANTSCHÉ, Colette (No, Humboldt)</b>
<input type="checkbox"/>	<b>SERRANO, Joe (Co Alt, Santa Cruz)</b>	<input checked="" type="checkbox"/>	<b>SPAUNHURST, Brian (Ce Alt, Fresno)</b>
<input type="checkbox"/>	<b>STEPHENSON, Jennifer (No, Plumas)</b>		
ADVISORY COMMITTEE:			
<input checked="" type="checkbox"/>	<b>CRAIG, Crystal</b>	<input checked="" type="checkbox"/>	<b>LEROMNIMON, Carolanne</b>
<input type="checkbox"/>	<b>CRAWFORD, Christine</b>	<input checked="" type="checkbox"/>	<b>SANCHEZ, Erica</b>
<input type="checkbox"/>	<b>FITZROY, Rob</b>	<input checked="" type="checkbox"/>	<b>TAPIA, Luis</b>
<input type="checkbox"/>	<b>HIGHTOWER, J.D</b>	<input type="checkbox"/>	<b>BRAVO, Tara</b>
<input checked="" type="checkbox"/>	<b>FENDER, Brandon</b>	<input checked="" type="checkbox"/>	<b>SIMON, Jim</b>
<input checked="" type="checkbox"/>	<b>SIMON, Jim</b>		
<b>GUESTS:</b>	Rob Bartoli (San Mateo), Brendon Freeman (Napa), Jonathan Brinkmann (Monterey), Amanda Castro (Orange), and Mike Prater (Santa Barbara)		
<b>RECORDER:</b>	René LaRoche		

**1. Welcome, Roll Call**

**9:02 AM:** The meeting was called to order by René LaRoche. Roll was taken and a quorum was established.

**2. Introduction of Members**

Committee members and guests introduced themselves.

**3. Approval of the Minutes of the November 3, 2023 meeting**

The minutes were unanimously approved as presented upon motion of Mike McGill, with a second by Margie Mohler.



#### **4. Legislative Committee Overview and Training**

Chair LaRoche gave a PowerPoint training. Noting the number of bills introduced every year, Kai Luoma/Leg Committee Vice Chair reminded everyone that they should feel comfortable to send in bills so that they do not get overlooked. Jim Simon offered positive comments on the presentation.

#### **5. Receive an Update Regarding the 2024 Omnibus Item**

LaRoche gave the staff report for Joe Serrano, noting that the Assembly Local Government Committee Consultant advised that four of the five proposals were rejected as not meeting Omnibus criteria. Only Proposal #4, regarding Property Tax Exchange Clarification, is moving forward.

#### **6. Legislation Affecting LAFCOs**

LaRoche gave the staff report noting that little has been done by the legislature since last year. She went over the entries on file and explained the status for the new members.

#### **7. Review Current Legislative Proposals**

LaRoche gave the report, and explained that the source of the report is Capitol Track.

#### **8. Items for next meeting**

No items were offered. LaRoche invited item requests to be submitted to her via email.

#### **9. Good of the Order**

In response to a request from Luis Tapia, LaRoche provided status updates on the Indemnification bill and the 56133 effort.

#### **10. Adjournment to February 16, 2024, meeting at 9:00 a.m. – to be held virtually**

**10:00 AM:** Chair LaRoche adjourned the meeting, noting the February meeting date and time.



## **LEGISLATIVE COMMITTEE MEETING STAFF REPORT**

### **Agenda Item No. 3 Legislative Updates**

**Meeting Date:** February 16, 2024

**Prepared By:** René LaRoche, Chair

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#### **RECOMMENDATIONS**

Receive Legislative Updates Regarding CALAFCO legislative proposals.

#### **DISCUSSION**

Heading into 2024, CALAFCO is actively pursuing the following two bills:

1. Omnibus bill

In 2023, the committee received five proposals from LAFCO staff to consider for a 2024 Omnibus bill. The committee and CALAFCO Board approved all five proposals to move forward. However, since then, the Chief Consultant of the Assembly Local Governance Committee (ALGC) has determined that four of those proposals do not meet the criteria for an omnibus bill since a lack of consensus exists among other agencies.

Consequently, the only proposal moving forward in the Omnibus bill is one that would add additional language to Government Code Section 56810 to qualify that the determination of property tax revenues by a LAFCO is only required for applications involving the formation of a special district when a share of the ad valorem property taxes is sought. No such determination of taxes would be needed in instances when a tax share is not desired.

2. Indemnification Proposal

On January 13, 2023, the committee also received and approved a proposal for stand-alone legislation to authorize LAFCOs to use provisions regarding indemnification of legal expenses.

The proposal came in the wake of a 2022 appellate decision which invalidated the indemnification provisions used in an annexation application. The court opined that LAFCOs function within the bands of their express authorizations on behalf of the legislature and were not authorized to enter into indemnification agreements.

At a Special Meeting on January 19, 2023, the CALAFCO Board of Directors considered the proposal and unanimously approved it to move forward, and the bill was submitted to Legislative Counsel ahead of the January 20, 2023 deadline. The next month was used seeking a legislator to carry the bill, but all were committed to other efforts and the submission deadline for 2023 passed.

However, staff took advantage of the months that followed to proactively outreach with sister agencies on the bill to alleviate concerns. Because of potentially problematic edits that Leg Counsel had made to the bill last year, we resubmitted the proposal to Leg Counsel this year, noting that the proposal language had already been reviewed by sister entities. While changed slightly from what was submitted, this year's RN (Attachment A.) is much closer to the original language than last year's version.

As we've already announced, we also received word that Senator Cortese will be authoring the bill. In our announcement to the EOs, we put them on alert that we will be needing letters of support at some point in the near future. The hope is that they have enough notice to seek their commission's support, where necessary, to generate a better response rate than we normally see.

Finally, CALAFCO and LAFCO staff, and our lobbyist, met with the Senator's staff last week to answer questions and better explain the reasons for needing the legislation. Many thanks to Paul Novak, Los Angeles LAFCO, for dropping everything to attend that meeting. He provided the Senator's office with the facts and examples that they needed.

At this time, we wait for the bill to be submitted by the Senator. Once that is done, the bill will emerge with a bill number and the Senator's name attached to it and be, officially, underway. The first stop after that will be the Rules Committee, where it will be assigned a policy committee for vetting.

### 3. 56133(e) Proposal

The critical nature of the Indemnification proposal, along with CALAFCO's limited carrying capacity, required that this proposal be tabled for a time. With the Indemnification Proposal now moving, staff is again turning attention to this proposal.

By way of background for new committee members, the request to address GC 56133(e) (Attachment B) has arisen multiple times through the decades but was discarded each time after analysis of the issue determined that the resources that would be needed for the effort were too great. The proposal was raised again in 2019, was approved by both the Leg Committee and the Board, but has remained dormant to address the Indemnification Proposal.

The most recent proposal on this matter came from San Diego LAFCO in 2019 during the tenure of the previous Executive Director. (Attachments C and D provide some background information from that time relative to the proposal.) San Diego LAFCO has generously offered to provide \$30,000 in funding to assist with any lobbying or other expenses related to pursuing such a change.

Over the course of the last 12-18 months, I have sought the counsel of our lobbyist, and have outreached with the Consultants of the ALGC and the Senate Governance and Finance Committees, and met with a representative of a sister organization. All of the parties have recognized that there may be bad actors abusing the statute, however all felt that the proposal was extremely problematic. The most important feedback for our purposes came from the Consultants who write the analyses ahead of the consideration by the Assembly and Senate. They were explicit in noting that changing statute to require a LAFCO or its EO to approve a contract between entities would constitute an expansion of authority which "won't fly." Closer to home, when I asked our lobbyist our chances of success, I was told that in her professional opinion,

moving such a change is not feasible in today's political climate. As such, this proposal becomes a larger endeavor to pursue as it is currently framed. Recent experience with a contentious matter highlights the expense of such an effort with no guarantee of any significant success. Given that recent experience, this matter is scheduled to come before the Board again at its April meeting.

However, ahead of that time, the committee is being asked to consider the nature of the problem that needs solving. Why are self-exemptions a problem for LAFCOs? Is it the lack of process, the lack of knowledge, or some other reason? Refining the problem better may suggest other possible solutions. For instance, if the problem is actually the lack of knowledge, then that might suggest a different approach, such as some kind of reporting mechanism.

Consequently, ahead of the Leg Committee meeting, everyone is asked to engage in a "Five Whys" problem-solving exercise. Ask yourself why agencies not reporting their agreements (termed self-exemption in some of our historic materials) is a problem for LAFCOs. Then to the answer that pops into your mind, ask yourself why again. Repeat that process at least four more times then come to the meeting ready to share the problem that you uncovered.

## **ATTACHMENTS**

- 3. A. - Indemnification Proposal RN from Leg Counsel
- 3. B. - Government Code Section 56133(e)
- 3. C. - Staff report by Pamela Miller regarding 56133 proposal
- 3. E. - November, 2021 Fact Sheet regarding 56133 proposal

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**State of California**

**GOVERNMENT CODE**

**Section 56133**

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56133. (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 224.3 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(Amended by Stats. 2022, Ch. 37, Sec. 3. (AB 2957) Effective January 1, 2023.)

## LEGISLATIVE COMMITTEE MEETING STAFF REPORT

January 28, 2022

### Agenda Item No. 4 2022 CALAFCO Sponsored Legislation Update

**Prepared By:** Pamela Miller, Chair

**Date:** January 28, 2022

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#### RECOMMENDATION

1. Receive and file report.

#### DISCUSSION

In addition to sponsoring the Omnibus bill, the Board directed other 2022 legislative priorities as finishing up the work of the Protest Working Group and co-sponsoring a proposal with San Diego LAFCo to make changes to GCS 56133 (extension of services) based on the proposal previously approved by this Committee. This report serves as an update to both of those legislative proposals/priorities.

#### GCS 56133 proposal

At the direction of the Board, CALAFCO began working with San Diego LAFCo as co-sponsors of the extension of service legislative proposal. After putting together a legislative proposal fact sheet and document containing numerous examples demonstrating the problem and why the solution is needed, stakeholder outreach and work to seek a legislator as author began in early October. As anticipated, there was a great deal of concern and questions from various stakeholders, as well as the two local government committee consultants. (Entities included CSDA and several of their members, ACWA, CASA, CSAC, League and ACHD.)

CALAFCO approached four potential legislative authors and San Diego LAFCo approached three, all of whom declined our request to author the legislative proposal. At this point in time, it is clear to CALAFCO that we will be unsuccessful in securing an author for the 2022 year and this has been shared with San Diego LAFCo, as well as the CALAFCO Board. It is still unclear to CALAFCO if San Diego LAFCo will proceed with trying to find an author for the 2022 year and continue to work on mitigating stakeholder concerns.

CALAFCO staff has tabled the proposal for 2022 and discussed the situation with the Board at their January 21, 2022 meeting. Staff recommended the Board discuss this at their April meeting for and give consideration whether or not to co-sponsor the proposal in 2023. Staff also recommended to the Board, and is recommending to the Committee, that should CALAFCO proceed with co-sponsoring in 2023, a comprehensive co-sponsorship strategy needs to be created with San Diego LAFCo to conduct stakeholder outreach throughout this year, to gather stakeholder questions and concerns and have the Committee work through mitigating those concerns before an author is sought for 2023.

#### Protest provisions working group

The third legislative priority for 2022 as directed by the Board is to complete the work of the protest provision rewrite working group. CALAFCO has had traction with this proposal. As you are aware, in



November, CALAFCO approached CSDA with a request to pick up the work done to date and finish it. CALAFCO's Executive Director and CSDA's Legislative Director worked several weeks on refining the work done by the working group's subcommittee on a new process using a 25% threshold for LAFCo initiated dissolution.

This Committee reviewed both the draft of the reorganized/consolidated existing language and the proposed new process at the December 3, 2021 meeting and unanimously supported both drafts. The CSDA Legislative Committee met on January 6, 2022 and also considered the draft proposals. During their meeting they approved a support in concept position on the proposals.

CALAFCO was successful in securing Senator Hertzberg as the primary author of this legislation and Assemblymember Mayes as the first co-author and we are working on securing additional co-authors. The draft of the reorganized/consolidated existing language has been sent to Leg Counsel and the bill will be introduced within the next several weeks. The new process needs to be written in statutory language and the plan is for CALAFCO and CSDA legal counsel who were a part of the protest working group to develop that draft. These changes will be amended into the bill when they are ready and approved by the working group.

The Executive Director wishes to acknowledge and thank all of the members of this protest provisions rewrite working group for their heavy lifting. Most especially, the CALAFCO members of the group who are: Board member Jo MacKenzie, Counsel Holly Whatley, and Executive Officers Steve Lucas, Kai Luoma, Paul Novak and José Henríquez.

This long-standing priority project for CALAFCO will hopefully be taken over the finish line in 2022 and signed into statute.

#### **ATTACHMENTS**

None



# Proposed Amendment to GOVERNMENT CODE SECTION 56133 (e)



## SUMMARY

This bill would make explicit in statute that LAFCOs are authorized to oversee the approval process for agencies to provide new or extended services outside their boundaries. This includes – importantly – clarifying LAFCOs or their executive officers determine when allowable exemptions apply.

### BACKGROUND

LAFCOs are required under state law to oversee the approval process for cities and special districts intending to provide new or extended services outside their boundaries by contracts. These contracts are typically a result of when annexations are not feasible and/or desired given local conditions.

State law identifies certain contract scenarios as exempt from requiring LAFCOs approval, including contracts between two or more local agencies where the intended new or extended service is an equal alternative or substitute for service already provided. California Government Code Section 56133 outlines the requirement for LAFCO review and the exemptions are listed within subsection (e).

### THE PROBLEM

Some local agencies have entered into contracts to provide new or extended services outside their boundaries. Unfortunately this practice creates numerous problems including: (1) Unintentionally creating conflict between local agencies when encroaching into others' jurisdictions and competing for customers; (2) In some instances, failing to annex territory – including island areas – upon the extension of service, thereby creating disorderly boundaries; (3) Conflicts with existing Government Code Section 56133(b) that states the extension may be authorized in anticipation of a later change of organization; and (4) Undermining LAFCOs ability to coordinate the orderly delivery of municipal services in concert with community needs and in step with regional growth management objectives. These problems create unnecessary costs and liabilities that are otherwise completely avoidable.

### SOLUTION

To make explicit in statute that LAFCOs – not local agencies – are authorized to oversee the approval process for agencies to provide new or extended services outside their boundaries, and in doing so closes a current loophole in state law. The addition of nine words to 56133(e) as a preface to its listing of exemptions is proposed to read “as determined by the commission or the executive officer.”

### [ Contacts ]

This legislative effort is co-sponsored by CALAFCO and San Diego LAFCO

Pamela Miller, CALAFCO Executive Director  
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## ATTACHMENT A. – BILLS REMOVED FROM CALAFCO PRIORITY LISTS

### ~~AB 68 (Ward) Land use: streamlined housing approvals: density, Subdivision, and utility approvals.~~

#### *Dead – Carry over bill which failed to move out of originating house by January 31st*

This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023, to create a ministerial approval for developments and certain water and sewer service extensions for developments that met certain parameters. Those parameters included that the parcel was in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement. Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

In early discussions with regional representatives, the observation was made that certain aspects of the bill seem to account for the LAFCo process. One such indication is in language that refers to "any other districts providing utilities or services" which implies that services are already being delivered – in which case they have already gone through a LAFCo at some time. The second indication contained within the requirement for a county to increase parcel density. In essence, that language requires the county to first determine that any service providers that are already providing the services have capacity to provide the increased level of service, which shows consideration of the obligation that districts have to serve within their boundaries – and, of course, the boundaries are determined by LAFCo.

On April 12, 2023, the bill was amended. (Attachment 4. 1) In its newest iteration, major changes include retooling the parameters noted above into "mobility indicators," and excluding towns or existing communities with populations of 5,000 or less.

— *CURRENT POSITION: Watch.*

### ~~AB 1379 (Papan) Open meetings: local agencies: teleconferences. — BROWN ACT~~

#### *Dead – Carry over bill which failed to move out of originating house by January 31st*

Currently, the Brown Act allows a legislative body to hold teleconferenced meetings, providing that the teleconference locations are identified in the agenda, and that each teleconference location is accessible to the public. It also requires that a quorum of the legislative body's members must participate within the boundaries of the legislative body.

This bill was introduced on February 17, 2023, and seeks to strike those existing teleconferencing provisions, and allow meetings to be held entirely remotely providing that: 1) an agenda is posted in a singular designated physical meeting are location situated within the local agency's jurisdiction; 2) that either a two-way audiovisual platform or two-way telephonic service is available so that the public may remotely hear, observe, and participate in the meeting; and 3) that the legislative body holds at least two in-person meetings per calendar year.

AB 1379 is currently in the ALGC. It was scheduled for its first hearing on April 24, 2023, but the hearing was cancelled at the request of the author. The bill is now a 2-year bill.

— *CURRENT POSITION: Watch*

AMENDED  
IN  
ASSEMBLY  
JANUARY 22, 2024

AMENDED  
IN  
ASSEMBLY  
MARCH 09, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 805

Introduced by Assembly Member Arambula

February 13, 2023

An act to amend Sections ~~116682 and 116686 of the Health and Safety Code, relating to drinking water.~~ 13288 and 13442 of, and to add Section 13289.5 to, the Water Code, relating to water quality, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as amended, Arambula. ~~Drinking water consolidation; sewer service.~~ Sewer service: disadvantaged communities.

~~Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with, or extension of service from, a receiving water system in either of the following circumstances: (1) a public water system or state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system, or (2) a disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.~~

~~This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.~~

~~Existing law authorizes the state board, if sufficient funds are available, to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of these services to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water.~~

~~The bill would also authorize the state board to require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system.~~

~~Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Existing law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an inadequate onsite sewage treatment system, as defined.~~

~~This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system~~

*that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.*

*The bill would require the state board to take specified actions before determining that a sewer service provider is a designated sewer system, including providing the sewer service provider an opportunity to show that it has taken steps to timely address its failure to provide adequate sewer service, conducting a public meeting, and providing an opportunity for public comment. The bill would authorize the state board to grant specified authority over the designated sewer system to the administrator, including the authority to expend money for various purposes and to set and collect sewer rates and fees, subject to approval by the state board. The bill would require the state board to work with the administrator and the communities served by the designated sewer system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver adequate sewer service so that the services of the administrator are no longer necessary.*

*Existing law creates the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund and continuously appropriates moneys in the account to the state board for specified purposes, including providing grants for cleaning up a waste, abating the effects of a waste on waters of the state, or addressing an urgent drinking water need, as provided.*

*This bill would authorize the state board to also use moneys in the account to provide grants to administrators to provide administrative, technical, operational, legal, or managerial services to a sewer service provider. By expanding the purposes for which moneys in a continuously appropriated account may be spent, the bill would make an appropriation.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

## Digest Key

Vote: **majority**2/3 Appropriation: **no**yes Fiscal Committee: yes Local Program: no

## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.** *Section 13288 of the Water Code is amended to read:*

13288. For purposes of this chapter, the following definitions apply:

(a) *“Adequate sewer service” means sanitary sewer service provided by a sewer service provider that does not have the potential to cause a violation of water quality objectives, impair present or future beneficial uses of water, cause pollution, nuisance, or contamination of waters of the state, or unreasonably degrade the waters of the state.*

(b) *“Administrator” means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this chapter, pursuant to criteria set forth in the handbook described in subdivision (h) of Section 13289.5.*

~~(a)~~

(c) *“Affected residence” means a residence within a disadvantaged community that may be subject to provision of sewer service pursuant to this chapter.*

~~(b)~~

(d) *“Affected resident” means a resident or a property owner of an affected residence.*

~~(c)~~

(e) *“Annexation” has the same meaning as set forth in Section 56017 of the Government Code.*

(f) *“Designated sewer system” means a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement. “Designated sewer system” also includes a voluntary participant.*

~~(d)~~



(g) "Disadvantaged community" means a disadvantaged community as defined in Section 79505.5.

(e)

(h) "Extension of service" has the same meaning as set forth in Section 56133 of the Government Code.

(f)

(i) "Inadequate onsite sewage treatment system" means an onsite sewage treatment system that has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, or to cause pollution, nuisance, or contamination of waters of the state.

*(j) "Inadequate sewage treatment system" means a sewer system that has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, or to cause pollution, nuisance, or contamination of waters of the state.*

(g)

(k) (1) "Onsite sewage treatment system" means an onsite sewage treatment system, as defined in Section 13290, that is not operated by a local agency, as defined in Section ~~56064~~ 56054 of the Government Code, or a utility regulated by the Public Utilities Commission.

(2) "Onsite sewage treatment system" includes, but is not limited to, a septic tank, cesspool, leach field, and seepage pit.

(h)

(l) "Provision of sewer service" means the provision of sanitary sewer service, including the collection or treatment of sewage, to a disadvantaged community by any of the following processes:

(1) Annexation where the receiving sewer system is a special district.

(2) Extension of service where the receiving sewer system is a city, county, or special district.

(3) Additional sewer service provided within city, county, or special district boundaries.

(i)

(m) "Receiving sewer system" means the sewer system that provides service to a disadvantaged community pursuant to this chapter.

*(n) "Sewer service provider" means any local agency that provides sanitary sewer service.*

(j)

(o) "Special district" means a special district as defined in Section 56036 of the Government Code.

*(p) "Voluntary participant" means the owner of an onsite sewage treatment system or sewer service provider who has agreed to accept financial assistance for the provision of adequate sewer service.*

**SEC. 2.** Section 13289.5 is added to the Water Code, immediately following Section 13289, to read:

*13289.5. (a) (1) For a designated sewer system, the state board may do any of the following:*

*(A) (i) Require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services, or any combination of those services, to assist the designated sewer system with the provision of adequate sewer service.*

*(ii) To fulfill the requirements of this section, a sewer service provider may contract with more than one administrator, but only one administrator may be used to provide services to a given designated sewer system. An administrator that is not designated or approved by the state board shall not be used for purposes of this section.*

*(iii) An administrator may provide services to more than one designated sewer system.*

*(B) Order a designated sewer system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated sewer system, from an administrator selected by the state board.*

*(C) Order a designated sewer system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to an*

*annexation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated sewer system.*

*(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g) of Section 116686 of the Health and Safety Code.*

*(b) The state board shall do all of the following before determining that a sewer service provider is a designated sewer system:*

*(1) Provide the sewer service provider with notice and an opportunity to show that the sewer service provider has taken steps to timely address its failure to provide adequate sewer service.*

*(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.*

*(B) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting to affected ratepayers, renters, and property owners.*

*(C) The state board shall provide representatives of the sewer service provider, affected ratepayers, renters, and property owners with an opportunity to present oral and written comments at the public meeting.*

*(D) The state board shall provide an opportunity for public comment at the meeting.*

*(3) Provide the public with an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).*

*(c) The state board shall make financial assistance available to an administrator of a designated sewer system, as appropriate and to the extent that funding is available.*

*(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but is not limited to, the authority to do all of the following:*

*(1) Expend available money for capital infrastructure improvements that the designated sewer system needs to provide adequate sewer service.*

*(2) Set and collect user sewer rates and fees, subject to approval by the state board. The state board shall consider affordability when approving sewer rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.*

*(3) Expend available money for operation and maintenance costs of the designated sewer system.*

*(4) Expend available money necessary for an annexation or extension of service, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.*

*(e) The state board shall work with the administrator of a designated sewer system and the communities served by that designated sewer system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver adequate sewer service so that the services of the administrator are no longer necessary.*

*(f) A designated sewer system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated sewer system and provide adequate sewer service.*

*(g) A designated sewer system shall be responsible for funding the activities of an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to the designated sewer system. The state board shall not be responsible for providing funding for those activities.*

*(h) Before ordering a designated sewer system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures, to be incorporated in the handbook adopted pursuant to subdivision (g) of Section 116686 of the Health and Safety Code, consistent with the process provided in subdivision (a) of Section 116760.43 of the Health and Safety Code, for all of the following:*

*(1) Ensuring compliance with subdivision (f).*

*(2) Providing opportunity for public comment on the selection of an administrator and the services to be provided.*

*(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of sewer service to affected residences and to the management of the designated sewer system by the administrator.*



(4) *Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated sewer system for significant decisions or actions made on behalf of the designated sewer system, including, but not limited to, establishing operating budgets, altering sewer rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.*

(5) *Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.*

(6) *Ensuring an administrator acts in the best interests of the community served.*

(7) *Development and approval of a post-administrator sewer service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.*

(i) *An administrator appointed pursuant to this section for a designated sewer system shall not be liable for claims by past or current ratepayers, or by those affected by the sewer service provided by the designated sewer system, in either of the following circumstances:*

(1) *If good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the sewer service provider.*

(2) *For any injury or damages that occurred before the commencement of the operation period.*

(j) *This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability.*

(k) *Nothing in this section shall be construed to do any of the following:*

(1) *Relieve a sewer service provider or any other entity from complying with any provision of federal or state law, including those pertaining to water quality.*

(2) *Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency.*

(3) *Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.*

(4) *Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care.*

(l) *Nothing in this section shall absolve, indemnify, or protect a prior operator, designated sewer system, or individual from liability based on an act or failure to act prior to the operation period.*

(m) *Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.*

(n) *This section does not apply to a charter city, charter county, or charter city and county.*

(o) *For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated sewer system with the consent of the affected residence.*

**SEC. 3.** *Section 13442 of the Water Code is amended to read:*

13442. (a) Upon application by an eligible entity, as described in subdivision (b), the state board may approve the payment of grant moneys from the account to that entity to assist in cleaning up a waste, abating the effects of a waste on waters of the state, *addressing actions required pursuant to Section 13289.5*, or addressing an urgent drinking water need without regard to whether the need for drinking water is a result of the discharge of waste.

(b) An entity is eligible to apply for funding pursuant to this section if that entity has authority to undertake the activity described in subdivision (a) for which it seeks moneys and the entity is any of the following:

(1) A public agency.

(2) A tribal government that is on the California Tribal Consultation List maintained by the Native American Heritage Commission and is a disadvantaged community, as defined in Section 79505.5, that agrees to waive tribal sovereign immunity for the explicit purpose of regulation by the state board pursuant to this division.

(3) A not-for-profit organization serving a disadvantaged community, as defined in Section 79505.5.

(4) A community water system, as defined in Section 116275 of the Health and Safety Code, that serves a disadvantaged community, as defined in Section 79505.5.

*(5) An administrator, as defined in Section 13288.*

(c) An eligible entity shall not become liable to the state board for repayment of moneys paid to the entity under this section and expended in accordance with the state board's approval of payment, but this shall not be a defense to an action brought pursuant to subdivision (c) of Section 13304 for the recovery of moneys paid under this section.

(d) Projects using moneys that are paid to an eligible entity pursuant to this section shall be exempt from state contracting and procurement requirements set forth in the Government Code and the Public Contract Code to the extent necessary to take immediate action to protect public health and safety.

(e) The state board may adopt guidelines for the allocation and administration of these moneys that shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**SEC. 4.** *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*In order to authorize the State Water Resources Control Board to take appropriate action as soon as possible to ensure that adequate, sanitary sewer service is provided to communities, it is necessary for this act to take effect immediately.*

~~SECTION 1. Section 116682 of the Health and Safety Code is amended to read:~~

~~116682.(a)(1) The state board, in circumstances described in subparagraph (A) or (B), may order consolidation with a receiving water system as provided in this section and Section 116684. The consolidation may be physical or operational. The state board may also order the extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The consolidation shall occur within six months of the initiation of the extension of service. The state board may set timelines and performance measures to facilitate completion of consolidation.~~

~~(A) A public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system.~~

~~(B) A disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.~~

~~(2) No later than July 1, 2020, the state board shall develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. The state board shall adopt the policy in a policy handbook consistent with the process provided for in subdivision (a) of Section 116760.43.~~

~~(b) Before ordering consolidation or extension of service as provided in this section, the state board shall do all of the following:~~

~~(1) Encourage voluntary consolidation or extension of service.~~

~~(2) Consider other enforcement remedies specified in this article.~~

~~(3) Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of water service in the affected area, the recommendations for improving service in a municipal service review, whether the consolidation or extension of service is cost effective, and any other relevant information.~~

~~(4) Consult with, and fully consider input from, the Public Utilities Commission when the consolidation would involve a water corporation subject to the commission's jurisdiction. If a receiving water system is regulated by the Public Utilities Commission, the state board shall inform the commission at least 60 days before the consolidation order, and upon issuance of the order the commission shall open a proceeding to determine cost allocation, ratemaking, and commission public participation requirements for the consolidation process.~~

~~(5) Consult with, and fully consider input from, the local government with land use planning authority over the affected area, particularly regarding any information in the general plan required by Section 65302.10 of the Government Code.~~

~~(6) Consult with, and fully consider input from, the potentially receiving water system and all public water systems in the chain of distribution of the potentially receiving water system. The input from the potentially receiving water system may include, but is not limited to, information related to the classification of the potentially subsumed water system as an at-risk water system or a state small water system or of at-risk domestic wells.~~

~~(7) Consult with, and fully consider input from, any groundwater sustainability agency in a basin that provides groundwater supply, in whole or in part, to the affected area.~~

~~(8)(A) Notify the potentially receiving water system and the potentially subsumed water system, if any, and establish a reasonable deadline of no less than six months, unless a shorter period is justified, for the potentially receiving water system and the potentially subsumed water system, if any, to negotiate consolidation or another means of providing an adequate supply of safe drinking water.~~

~~(B) During this period, the state board shall provide technical assistance and work with the potentially receiving water system and the potentially subsumed water system to develop a financing package that benefits both the receiving water system and the subsumed water system.~~

~~(C) Upon a showing of good cause, the deadline may be extended by the state board at the request of the potentially receiving water system, potentially subsumed water system, the local agency formation commission with jurisdiction over the potentially subsumed water system, or the Public Utilities Commission.~~

~~(9) Consider the affordability of the anticipated monthly rates for drinking water service to residential customers of the potentially subsumed water system.~~

~~(10)(A) Hold at least one public meeting at the initiation of this process in a place as close as feasible to the affected areas. The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers. The 30-day notice shall include information about water quality concerns in the area, relevant information about health effects of water contaminants, and information about opportunities for consolidation or extension of service to address water quality issues. The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, the potentially receiving water system, and the public an opportunity to present oral and written comments.~~

~~(B) The state board shall provide an opportunity to submit comments by mail or electronically during the notice period and for at least one week after the meeting.~~

~~(C) The state board shall review comments received during the meeting and received by mail and electronically during the notice period and for one week after the public meeting.~~

~~(11) If the potentially subsumed water system to be consolidated into the receiving water system is an at-risk water system, the state board shall do all of the following:~~

~~(A) Conduct outreach to ratepayers and residents served by the at-risk water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the at-risk water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the at-risk water system.~~

~~(B) Consider any petition submitted pursuant to paragraph (2) of subdivision (a) by members of a disadvantaged community served by the at-risk water system.~~

~~(C)(i) If the potentially subsumed water system contends during the initial written comment period set forth in subparagraph (B) of paragraph (10) that it is not an at-risk water system, the state board shall consider during a public meeting any information provided by the potentially subsumed water system in support of its contention that it is not an at-risk water system.~~

~~(ii) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting described in clause (i) to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers.~~

~~(c) If a consolidation or other means of providing an adequate supply of safe drinking water has not been negotiated by the potentially receiving water system and the potentially subsumed water system before the expiration of the deadline set by the state board pursuant to paragraph (8) of subdivision (b), the state board shall do the following:~~

~~(1) Consult with the potentially receiving water system and the potentially subsumed water system, if any:~~

~~(2)(A) If the consolidation has not concluded within six months following the first public meeting held pursuant to paragraph (10) of subdivision (b), conduct a public meeting in a location as close as feasible to the affected communities. The meeting shall be held after the state board has made the findings described in subdivision (d).~~

~~(B) The state board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, property owners to receive water service through service extension or in the area of the subsumed water system, and the public, and to all affected local government agencies and drinking water service providers.~~

~~(C) The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, and the potentially receiving water system an opportunity to present oral and written comments.~~

~~(D) The meeting shall provide an opportunity for public comment.~~

~~(3)The state board shall make reasonable efforts to ensure that a receiving water system and a subsumed water system are informed on a regular basis of progress regarding actions taken pursuant to this section.~~

~~(d)Before ordering consolidation or extension of service, the state board shall find all of the following:~~

~~(1)The potentially subsumed water system has consistently failed to provide an adequate supply of safe drinking water or it is at risk of doing so, as determined by the state board.~~

~~(2)Reasonable efforts to negotiate voluntary consolidation or extension of service were made.~~

~~(3)Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and technically and economically feasible. In making this finding, the state board shall consider how many owners of dwelling units served by domestic wells in the service area have provided, or are likely to provide, written consent to extension of service. The state board need not find that any specific percentage of the owners of dwelling units served by domestic wells in the service area are likely to consent to the consolidation or extension of service to serve their dwelling unit.~~

~~(4)There is no pending local agency formation commission process that is likely to resolve the problem in a reasonable amount of time.~~

~~(5)Concerns regarding water rights and water contracts of the subsumed and receiving water systems have been adequately addressed.~~

~~(6)Consolidation or extension of service is an effective and cost-effective means to provide an adequate supply of safe drinking water.~~

~~(7)The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system, infill sites within the community served by the subsumed water system, residents of disadvantaged communities in existence as of the date of consolidation and that are located along the service line connecting the subsumed water system and the receiving water system, and vacant lots within the community served by the subsumed water system that are zoned to allow residential use and have no more than one other vacant lot between that parcel and an infill parcel, including capacity needed for services such as firefighting.~~

~~(e)Upon ordering consolidation or extension of service, the state board shall do all of the following:~~

~~(1)As necessary and appropriate, as determined by the state board, compensate the receiving water system for any capacity lost as a result of the consolidation or extension of service either by paying the water system's capacity charge set out in the water system's adopted rate structure or by providing additional capacity needed as a result of the consolidation or extension of service, and by paying legal fees. When the receiving water system is compensated for capacity lost by payment of a capacity charge, the capacity charge shall be paid only to the extent that it does not exceed the reasonable cost of providing the service in accordance with Section 66013 of the Government Code. If capacity beyond what is needed for consolidation is provided by a project funded through the state board, the state board shall retain an option to use that capacity for future consolidations, without paying additional capacity charges, for five years, unless it releases that option in writing. Funding pursuant to this paragraph is available for the general purpose of providing financial assistance for the infrastructure needed for the consolidation or extension of service and does not need to be specific to each individual consolidation project. The state board shall provide appropriate financial assistance for the water infrastructure needed for the consolidation or extension of service. The state board's existing financial assistance guidelines and policies shall be the basis for the financial assistance.~~

~~(2)Ensure payment of standard local agency formation commission fees caused by state board-ordered consolidation or extension of service.~~

~~(3)Adequately compensate the owners of a privately owned subsumed water system for the fair market value of the system, as determined by the Public Utilities Commission or the state board.~~

~~(4)Coordinate with the appropriate local agency formation commission and other relevant local agencies to facilitate the change of organization or reorganization.~~

~~(5)If ordering consolidation or extension of service between two water systems, consider any existing domestic wells within the service area that could also be subject to consolidation or extension of service pursuant to this section.~~

~~(6)If ordering consolidation or extension of service to a community containing residences served by domestic wells, promptly take all reasonable steps to obtain written consent to the consolidation or extension of service from an owner of each residence served by a domestic well.~~

~~(f)If funds are appropriated for this purpose, the state board may make funds available for the purposes of subdivision (e), as necessary and appropriate, to the receiving water system, the subsumed water system, or an administrator providing full oversight of construction or development projects related to a consolidation or extension of service.~~



~~(g)(1) For purposes of this section, fees, charges, and terms and conditions that may be imposed on new and existing customers of a receiving water system shall be subject to the following limitations:~~

~~(A) The consolidated water system shall not increase charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customers receive a corresponding benefit.~~

~~(B) Except as provided in paragraph (2), fees or charges imposed on a customer of a subsumed water system shall not exceed the costs of the service.~~

~~(C) Except as provided in paragraph (2), the receiving water system shall not charge any fees to, or place conditions on, customers of the subsumed water system that it does not charge to, or impose on, new customers that are not subject to the consolidation with the receiving water system.~~

~~(2)(A) Notwithstanding subparagraph (B) or (C) of paragraph (1), if costs incurred by the receiving water system in completing the consolidation or extension of service are not otherwise recoverable as provided in subparagraph (B) of this paragraph, the receiving water system may charge fees to customers of the subsumed water system to recover those costs.~~

~~(B) A receiving water system shall not charge a fee pursuant to subparagraph (A) for costs that are otherwise recoverable from the state, the federal government, programs administered by local agencies, parties responsible for causing contamination that the consolidation or extension of service is designed to address, or other sources, as determined by the state board.~~

~~(h) The state board shall not, pursuant to this section, fund public works or upgrades unrelated to the delivery of an adequate supply of affordable, safe drinking water, including, but not limited to, the installation of streetlights, sidewalks, curbs, and gutters. A local agency's decision whether to provide these public works or upgrades shall not delay the consolidation or extension of service.~~

~~(i) When a public water system is operated by a local educational agency, the state board may order a receiving water system to consolidate or extend service to a public water system operated by a local educational agency pursuant to this section if both the following additional conditions are met:~~

~~(1) The local educational agency serves students from one or more census blocks that are disadvantaged communities.~~

~~(2) The state board obtains a written determination from the local educational agency that the state board's analysis in the financing package, developed pursuant to subparagraph (B) of paragraph (9) of subdivision (b), indicates that consolidating or extending service would not result in additional unacceptable costs to the local educational agency and would result in safe drinking water being available to the local educational agency.~~

~~(j) An order pursuant to this section shall not require consolidation or extension of service to a residence served solely by a domestic well until an owner of the affected residence provides written consent to the consolidation or extension of service. Any domestic well owner within the consolidation or extended service area that does not provide written consent shall be ineligible, until the consent is provided, for any future water-related grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.~~

~~(k) A finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells shall be based on the maps created pursuant to paragraph (1) of subdivision (a) of Section 116772 and inspection or testing of the domestic wells showing an imminent risk of failing to provide an adequate supply of safe drinking water.~~

~~(f) The state board may prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.~~

~~(m) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to an action taken by the state board pursuant to this section.~~

~~(n) If sufficient funding is available, the state board may order consolidation of sewer service along with an order of consolidation of drinking water pursuant to this section, when both the subsumed water system and receiving water system provide sewer service, after doing all of the following:~~

~~(1) Consulting with, and fully considering input from, the relevant regional water board.~~

~~(2) Consulting with, and fully considering input from, the receiving water system.~~

~~(3) Conducting outreach to ratepayers and residents served by the receiving water system and subsumed water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the subsumed water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the sewer services of the subsumed water system.~~

~~SEC. 2. Section 116686 of the Health and Safety Code is amended to read:~~

~~116686.(a)(1)To provide an adequate supply of affordable, safe drinking water to disadvantaged communities, voluntary participants, and public water systems that have demonstrated difficulty in maintaining technical, managerial, and financial capacity and to prevent fraud, waste, and abuse, the state board may do any of the following, if sufficient funding is available:~~

~~(A)(i)Contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist the designated water system with the provision of an adequate supply of affordable, safe drinking water, which services may include steps necessary to enable consolidation:~~

~~(ii)To fulfill the requirements of this section, the state board may contract with more than one administrator, but only one administrator may be assigned to provide services to a given designated water system:~~

~~(iii)An administrator may provide services to more than one designated water system:~~

~~(B)Order a designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board:~~

~~(C)Order a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated water system:~~

~~(2)In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g):~~

~~(3)When contracting with, or ordering a designated water system to accept, an administrator pursuant to paragraph (1), the state board may also require the administrator to provide administrative, technical, legal, or managerial services for any sewer service provided by the designated water system:~~

~~(b)Unless the state board has already held a public meeting pursuant to subdivision (b) of Section 116682, the state board shall do all of the following to determine that a public water system or state small water system is a designated water system:~~

~~(1)Provide the public water system or state small water system with notice and an opportunity to show either of the following:~~

~~(A)That the public water system or state small water system has neither consistently failed to provide an adequate supply of affordable, safe drinking water nor is it an at-risk water system:~~

~~(B)That the public water system or state small water system has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water and that it is not an at-risk water system:~~

~~(2)(A)Conduct a public meeting in a location as close as feasible to the affected community:~~

~~(B)The state board shall make reasonable efforts to provide a 30-day notice of the public meeting to affected ratepayers, renters, and property owners:~~

~~(C)The state board shall provide representatives of the public water system or state small water system, affected ratepayers, renters, and property owners with an opportunity to present oral and written comments at the public meeting:~~

~~(D)The state board shall provide at the meeting an opportunity for public comment:~~

~~(3)Provide the public with an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2):~~

~~(4)If the public water system is operated by a local educational agency, obtain the local educational agency's agreement, in writing, to the appointment of an administrator:~~

~~(c)The state board shall make financial assistance available to an administrator of a designated water system, as appropriate and to the extent that funding is available:~~

~~(d)The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but shall not be limited to, the authority to do all of the following:~~

~~(1)Expend available moneys for capital infrastructure improvements that the designated water system needs to provide an adequate supply of affordable, safe drinking water or to execute a consolidation ordered pursuant to Section 116682:~~

~~(2)Set and collect user water rates and fees, subject to approval by the state board. The state board shall consider affordability when approving water rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution:~~

~~(3) Expend available moneys for operation and maintenance costs of the designated water system:~~

~~(4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues:~~

~~(e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary:~~

~~(f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water or provision of sewer service:~~

~~(g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:~~

~~(1) Ensuring compliance with subdivision (f):~~

~~(2) Providing opportunity for public comment on the selection of an administrator and the services to be provided:~~

~~(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator:~~

~~(4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans:~~

~~(5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator:~~

~~(6) Ensuring an administrator acts in the best interests of the community served:~~

~~(7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options:~~

~~(h) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, if good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the designated water system:~~

~~(i) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, for any injury or damages that occurred before the commencement of the operation period:~~

~~(j) This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability:~~

~~(k) Nothing in this section shall be construed to do any of the following:~~

~~(1) Relieve a water district, water wholesaler, or any other entity from complying with any provision of federal or state law, including those pertaining to drinking water quality:~~

~~(2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency:~~

~~(3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution:~~

~~(4) Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care:~~

~~(f) Nothing in this section shall absolve, indemnify, or protect a prior operator, designated water system, or individual from liability based on an act or failure to act prior to the operation period:~~

~~(m) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with~~

~~Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section:~~

~~(n)For purposes of this section, a local government, as defined in Article XIII C of the California Constitution, that sets water rates in accordance with Article XIII D of the California Constitution shall be deemed to be providing affordable water.~~

~~(o)This section does not apply to a charter city, charter county, or charter city and county.~~

~~(p)(1)For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated water system with the consent of the affected residence.~~

~~(2)For purposes of this section, where an administrator is authorized to act on behalf of a designated public water system, it may also act on behalf of a voluntary participant.~~

~~(q)The Legislature finds and declares that the funding provided to a state small water system, affected residence, public water system, voluntary participant, or administrator for purposes of this section serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.~~

~~(r)For purposes of this section, the following terms have the following meanings:~~

~~(1)"Administrator" means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this section, pursuant to criteria set forth in the handbook adopted pursuant to subdivision (g). Notwithstanding any other law, a privately owned public utility may serve as an administrator for purposes of this section.~~

~~(2)"Designated water system" means any of the following:~~

~~(A)A public water system or state small water system that has been ordered to consolidate pursuant to Section 116682.~~

~~(B)A public water system or state small water system that serves a disadvantaged community and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.~~

~~(C)An at-risk water system.~~

~~(3)"Voluntary participant" means the owner of a domestic well or state small water system who has agreed to accept financial assistance pursuant to Chapter 4.6 (commencing with Section 116765) for the provision of an adequate and affordable supply of safe drinking water.~~



AMENDED  
IN  
ASSEMBLY  
JANUARY 17, 2024

AMENDED  
IN  
ASSEMBLY  
MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 817

Introduced by Assembly Member Pacheco  
(Coauthor: Assembly Member Wilson)

February 13, 2023

An act to add *and repeal* Section 54953.05 ~~to~~ *of* the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. Open meetings: teleconferencing: subsidiary body.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

Existing ~~law, until January 1, 2024,~~ *law* authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency ~~or in other situations related to public health that exempt a legislative body from the general requirements~~ (emergency provisions) ~~and impose~~ *and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions).* Existing *law imposes* different requirements for notice, agenda, and public participation, as ~~prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment: prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting.~~

~~Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body:~~

This ~~bill~~ *bill, until January 1, 2026,* would authorize a subsidiary body, as defined, to use *similar* alternative teleconferencing provisions ~~similar to the emergency provisions indefinitely and without regard to a state of emergency. and would impose requirements for notice, agenda, and public participation, as prescribed.~~ In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

### Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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### Bill Text

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1. Section 54953.05 is added to the Government Code, to read:

54953.05. (a) (1) The definitions in Section 54953, as that section may be amended from time to time, apply for purposes of this section.

(2) For purposes of this section, "subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements.

(b) A subsidiary body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953, if the subsidiary body complies with all of the following:

(1) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the subsidiary body.

(2) Each member of the subsidiary body shall participate through both audio and visual technology.

(3) The subsidiary body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the subsidiary body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(4) The subsidiary body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(5) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the subsidiary body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(6) The agenda shall identify and include an opportunity for all persons to attend and address the subsidiary body directly pursuant to Section 54954.3 via a call-in option or via an internet-based service option.

(7) In the event of a disruption that prevents the subsidiary body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the subsidiary body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the subsidiary body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(8) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the subsidiary body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(9) The subsidiary body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the subsidiary body and offer comment in real time.

(A) A subsidiary body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (8), to provide public comment until that timed public comment period has elapsed.

(B) A subsidiary body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (8), or otherwise be recognized for the purpose of providing public comment.

(C) A subsidiary body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (8), until the timed general public comment period has elapsed.

(c) In order to use teleconferencing pursuant to this section, the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the subsidiary body uses teleconferencing pursuant to this section for the first time, and every 12 months thereafter:

(1) The legislative body has considered the circumstances of the subsidiary body.

(2) Teleconference meetings of the subsidiary body would enhance public access to meetings of the subsidiary body.

(3) Teleconference meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.

*(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.*

**SEC. 2.** The Legislature finds and declares that Section 1 of this act, which adds *and repeals* Section 54953.05 ~~to~~ of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

**SEC. 3.** The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.

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AMENDED  
IN  
ASSEMBLY  
SEPTEMBER 05, 2023

AMENDED  
IN  
ASSEMBLY  
AUGUST 14, 2023

AMENDED  
IN  
SENATE  
APRIL 24, 2023

AMENDED  
IN  
SENATE  
MARCH 22, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**SENATE BILL**

**NO. 537**

**Introduced by Senator Becker**

February 14, 2023

An act to amend Section 54953 of, and to add and repeal Section 54953.4 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 537, as amended, Becker. Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would expand the circumstances of “just cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance *of the members of the legislative body, the number of community members in attendance in the teleconference meeting*, and the number of public comments on its internet website within ~~7~~ 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would require a member who receives compensation for their service, as specified, on the legislative body to participate from a physical location that is open to the public. The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from which each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the remote location is the member’s office or another location in a publicly accessible building and is more than 40 miles from the in-person location of the meeting. The bill would repeal these alternative teleconferencing provisions on January 1, 2026.

*This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 557 to be operative only if this bill and AB 557 are enacted and this bill is enacted last.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

### Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

### Bill Text

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

- (A) All votes taken during a teleconferenced meeting shall be by rollcall.
- (B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.
- (C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a

disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items



during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 1.5.** *Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, is amended to read:*

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ *either* of the following circumstances:

~~(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.~~

~~(B)~~

(A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

~~(C)~~

(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph ~~(B)~~, (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to

the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph ~~(F)~~; (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph ~~(F)~~; (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing~~; in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than ~~30~~ 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of paragraph (1), and every ~~30~~ 45 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

~~(B) Any of the following circumstances exist:~~

~~(i)~~

(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.

~~(ii) State or local officials continue to impose or recommend measures to promote social distancing.~~

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's



control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing ~~members of~~ the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

*(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.*

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, ~~2024~~, 2026, and as of that date is repealed.

**SEC. 2.** Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:



(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 2.5.** *Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:*

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in ~~subdivision (d)~~, *subdivisions (d) and (e)*.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with *the requirements of* paragraph (3) of subdivision (b) ~~if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following: if the legislative body complies with the requirements of paragraph (2) of this subdivision in either of the following circumstances:~~

(A) The legislative body ~~shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:~~ *holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*

~~(i) A two-way audiovisual platform;~~

~~(ii) A two-way telephonic service and a live webcasting of the meeting;~~

*(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*

*(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:*

~~(B)~~

*(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.*

~~(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting;~~

~~(D)~~

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

~~(E)~~

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

~~(F)~~

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

~~(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:~~

~~(A) One of the following circumstances applies:~~

~~(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.~~

~~(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 4 of the Civil Code). For the purposes of this clause, the following requirements apply:~~

~~(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.~~

~~(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.~~

~~(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.~~

~~(C) The member shall participate through both audio and visual technology.~~

~~(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.~~

*(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.*

*(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.*

*(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.*

*(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:*

*(A) The legislative body has reconsidered the circumstances of the state of emergency.*

*(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.*

*(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.*

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing ~~members of~~ the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

~~(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.~~

~~(2) "Just cause" means any of the following:~~

~~(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.~~

~~(B) A contagious illness that prevents a member from attending in person.~~

~~(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).~~

~~(D) Travel while on official business of the legislative body or another state or local agency.~~

~~(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.~~

~~(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.~~

*(1) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).*

~~(5)~~



(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

~~(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.~~

~~(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.~~

~~(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.~~

(j) This section shall become operative January 1, ~~2024, shall remain in effect only until January 1, 2026, and as of that date is repealed:~~ 2026.

**SEC. 3.** Section 54953.4 is added to the Government Code, to read:

54953.4. (a) For purposes of this section, the following definitions apply:

(1) "Eligible legislative body" means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(b) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the legislative body complies with this section.

(c) An eligible legislative body shall not use teleconferencing pursuant to this section unless the eligible legislative body has adopted a resolution that authorizes the eligible legislative body to use teleconferencing at a regular meeting in open session.

(d) An eligible legislative body that holds a meeting pursuant to this section shall comply with all of the following:

(1) In each notice and posting of the time or agenda of the teleconferenced meeting, the eligible legislative body shall include the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(2) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(3) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

(4) (A) If an eligible legislative body provides a timed public comment period for each agenda item, the eligible legislative body shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subdivision (f), to provide public comment until that timed public comment period has elapsed.

(B) If an eligible legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, the eligible legislative body shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subdivision (f).

(C) If an eligible legislative body provides a timed general public comment period that does not correspond to a specific agenda item, the eligible legislative body shall not close the public comment period or the opportunity to register, pursuant to subdivision (f), until the timed general public comment period has elapsed.

(5) Except as provided in Section 54953.3, an eligible legislative body, within ~~seven~~ 10 days of holding a teleconference meeting, shall provide ~~both~~ all of the following on its internet website:

(A) A record of attendance of ~~both community members and the~~ members of the eligible legislative body.

*(B) (i) The number of community members in attendance in the teleconference meeting.*

*(ii) The number of community members in attendance at the physical location of the public meeting may be provided in addition to the requirement specified in clause (i).*

~~(B)~~

*(C) The number of public comments in the meeting.*

(6) (A) At least a quorum of the members of the eligible legislative body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(B) Any member of the eligible legislative body who receives compensation for their service on the eligible legislative body shall participate from a physical location that is open to the public. For purposes of this subparagraph, "compensation" does not include reimbursement for traveling or other actual and necessary expenses incurred in connection with participating in person.

(C) The eligible legislative body shall identify each member of the eligible legislative body who plans to participate remotely in the agenda and shall include the address of the publicly accessible building from where they will participate via teleconference. The specific room or location within the publicly accessible building from which a member participates via teleconference is not required to be publicly accessible.

(7) The eligible legislative body shall provide a physical location from which the public may attend or comment.

(8) The eligible legislative body shall comply with all requirements of Section 54953 except paragraph (3) of subdivision (b) of that section.

(e) A member of the eligible legislative body shall not participate in a meeting remotely pursuant to this section unless they meet both of the following requirements:

(1) The location from which the member participates is more than 40 miles from the in-person location of the meeting.

(2) The member participates from their office or another location in a publicly accessible building.

(f) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of a third-party internet website or other online platform during a meeting held pursuant to this section may be required to register to log in to the teleconference if both of the following conditions are met:

(1) The internet website or online platform requires that registration.

(2) The decision to require registration is not under the control of the legislative body.

(g) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 4.** The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

**SEC. 5.** *Sections 1.5 and 2.5 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 557. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 557, in which case Section 54953 of the Government Code, as amended by Sections 1 and 2 of this bill, shall remain operative only until the operative date of Assembly Bill 557, at which time Sections 1.5 and 2.5 of this bill shall become operative.*

~~SEC. 5.~~**SEC. 6.** The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3

of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

~~SEC. 6.~~ **SEC. 7.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to appointed bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of illnesses.



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## **LEGISLATIVE COMMITTEE MEETING STAFF REPORT**

### **Agenda Item No. 5 Receive the List of CALAFCO Tracked Bills**

**Meeting Date:** February 16, 2024

**Prepared By:** René LaRoche, Chair

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#### **RECOMMENDATIONS**

Receive the List of CALAFCO Tracked Bills.

#### **DISCUSSION**

Since not every bill tracked by CALAFCO ends up on the discussion item, the Legislative Committee is presented with a comprehensive list of bills being monitored. The attachment shows a complete list of all CALAFCO tracked bills and their status as of February 9, 2024.

At the start of the year, we were monitoring 13 active bills. Since then, 5 of the bills (all carryover bills from 2023) failed to pass out of the originating house by the deadline and are now dead, and one sits in the inactive file.,

The remaining bills are in various states of process.

AB 1928 (Sanchez), Worker classification, is the only new bill to the list and seeks to repeal the provision of AB 5, the gig worker law (2019). This bill is of interest to CALAFCO given the effects that AB 5 had on the Association's finances. This bill was introduced on January 25, 2024 and, as of this writing, has not yet been assigned to a committee.

#### **ATTACHMENTS**

5. A - List of CALAFCO Tracked Bills

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**CALAFCO List of Current Bills  
2/9/2024**

**[AB 68](#)**

**(Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.**

**Current Text:** Amended: 4/12/2023 [html](#) [pdf](#)

**Introduced:** 12/8/2022

**Last Amend:** 4/12/2023

**Status:** 2/1/2024-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

**Location:** 1/12/2024-A. DEAD

<b>Dead</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region’s sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

**Position**

Watch

**Subject**

Planning

**CALAFCO Comments:** This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**[AB 530](#)**

**(Boerner D) Vehicles: electric bicycles.**

**Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)

**Introduced:** 2/8/2023

**Last Amend:** 7/13/2023

**Status:** 2/1/2024-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

**Location:** 1/12/2024-A. DEAD

<b>Dead</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver’s license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

**Position**

**Subject**

**CALAFCO Comments:** As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvased as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process. Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

**AB 805 (Arambula D) Sewer service: disadvantaged communities.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/22/2024

**Status:** 1/30/2024-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 76. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/30/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under current law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Current law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an inadequate onsite sewage treatment system, as defined. This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.

<b>Position</b>	<b>Subject</b>
Watch With Concerns	Water

**CALAFCO Comments:** This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.**

**Current Text:** Amended: 1/17/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/17/2024

**Status:** 1/25/2024-Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/25/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations,

identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**Position**

Watch

**Subject**

Brown Act

**CALAFCO Comments:** 1/25/2024; Moved out of the Assembly. Waiting on assignment from Senate Rules Committee.

1/17/2024: Amended to add a Sunset date of January 1, 2026.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 828**

**(Connolly D) Sustainable groundwater management: managed wetlands.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 47. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the terms "managed wetland" and "small community water system."

**Position**

None at this time

**Subject**

Water

**CALAFCO Comments:** Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a) (4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

**AB 930**

**(Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 1/22/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

**Position**  
Neutral

**Subject**  
Special District  
Principle Acts

**CALAFCO Comments:** This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFco process.

As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 1379**

**(Papan D) Open meetings: local agencies: teleconferences.**

**Current Text:** Amended: 3/23/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 3/23/2023

**Status:** 2/1/2024-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

**Location:** 1/12/2024-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position**  
Watch

**Subject**  
Brown Act

**CALAFCO Comments:** Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audiovisual capabilities, or two-way telephone service for the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 1460**

**(Bennett D) Local government.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/1/2024-Died at Desk.

**Location:** 1/18/2024-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000,



provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

**Position**  
Neutral

**Subject**  
CKH General  
Procedures,  
Other

**CALAFCO Comments:** As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

3/24/2023: No change since introduction.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 1928**

**(Sanchez R) Worker classification: employees and independent contractors.**

**Current Text:** Introduced: 1/25/2024 [html](#) [pdf](#)

**Introduced:** 1/25/2024

**Status:** 1/26/2024-From printer. May be heard in committee February 25.

**Location:** 1/25/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court's decision in Dynamex and provide that this decision does not apply for purposes of California law.

**Position**

**Subject**

**CALAFCO Comments:** Of interest to CALAFCO because of its potential effect on operations. 1/25/2024, bill introduced. AB 1928 would repeal the provisions that were enacted by the passage of AB 5 in 2019. Known as the Gig Worker law, AB 5 reclassified which workers could be considered as contractors. A limited number of professional categories were set aside and excluded from the law. However, those not included in the exclusions were required, under new reclassification requirements, to be considered as employees regardless of whether they were performing the services in connection to an ongoing business. The shift required CALAFCO to amend its internal practices to re-classify its contractors to employees, resulting in increased costs, as well as extra reporting requirements.

**AB 1987**

**(Bennett D) Local government.**

**Current Text:** Introduced: 1/30/2024 [html](#) [pdf](#)

**Introduced:** 1/30/2024

**Status:** 1/31/2024-From printer. May be heard in committee March 1.

**Location:** 1/30/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law sets forth provisions for the formation, duties, and other authorizations, among other things, relating to cities, counties, cities and counties, and other local agencies. This bill would state the intent of the Legislature to enact legislation relating to local government.

**Position**

**Subject**

None at this time

**CALAFCO Comments:** Spot holder bill relative to local government. Monitoring because of its topic.

**SB 537**

**(Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Current Text:** Amended: 9/5/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 9/5/2023

**Status:** 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

**Location:** 9/14/2023-A. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations

related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position**  
Watch

**Subject**  
Brown Act

**CALAFCO Comments:** This is a spotholder bill that states an intent to expand local government's access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023. 7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

9/14/2023, the bill was moved into the inactive file.

**SB 768**

**(Caballero D) California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 1/29/2024-A. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of

the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA, as specified.

**Position**

**Subject**

CEQA

**CALAFCO Comments:** Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

1/11/2024: Gutted and Amended. Topic now specific to a study by the state regarding vehicle miles traveled in CEQA studies. Continuing to monitor for any detrimental changes to CEQA but, at this time, bill is not a concern to CALAFCO.

**SB 865**

**(Laird D) Municipal water districts: automatic exclusion of cities.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 2/1/2024-Returned to Secretary of Senate pursuant to Joint Rule 56.

**Location:** 1/12/2024-S. DEAD

<b>Dead</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House			2nd House							

**Summary:** Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

**Position**

Neutral

**Subject**

Annexation Proceedings

**CALAFCO Comments:** Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**Total Measures: 13**

**Total Tracking Forms: 13**



## CALAFCO Legislative Committee **MEETING AGENDA**

**Friday, March 22, 2024 ♦ 9:00 am – 11:00 am**  
Virtual via Zoom

<https://us02web.zoom.us/j/81393597455>

**Meeting ID: 813 9359 7455**

**Phone: 669-900-6833**

	<u>Page</u>
1. 9:00 A.M. Convene and Roll Call	<i>R. LaRoche</i>
2. Approve Minutes of the February 16, 2024 meeting	<i>R. LaRoche</i> 3
3. Legislation Affecting LAFCOs	<i>R. LaRoche</i> 5
<b>Priority One Bills:</b>	
CALAFCO Sponsored Bills:	
a. AB 3277 (ALGC) Omnibus Bill – Ad Valorem Tax Calculation	9
b. SB 1209 (Cortese) - Indemnification Bill	15
<b>Priority Two Bills:</b> NONE	
<b>Priority Three Bills:</b>	
c. AB 805 (Arambula) Sewer service: disadvantaged communities <i>Position: Support, If Amended</i>	20
<i>Brown Act (Watching):</i>	
d. AB 817 (Pacheco) Open meetings: teleconferencing: subsidiary body	35
e. AB 2302 (Addis) Open meetings: local agencies: teleconferences	39
f. AB 2715 (Boerner) Ralph M. Brown Act: closed sessions	45
g. SB 537 (Becker) Open meetings: local agencies: teleconferences (inactive)	47
4. Tabled Discussion Regarding 56133 Proposal	<i>R. LaRoche</i> 67
5. Receive the List of Tracked Bills	97
6. CALAFCO Items for next meeting	
7. Good of the Order	
8. Adjournment to May 10, 2024 at 9:00 a.m. – to be held virtually	

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**CALAFCO Legislative Committee**  
**DRAFT ACTION MEETING MINUTES**

<b>Date:</b>	February 16, 2024		
<b>Location:</b>	Held virtually		
<b>Present:</b>			
BOARD MEMBERS:			
<input checked="" type="checkbox"/>	<b>CONNELLY, Bill (N)</b>	<input checked="" type="checkbox"/>	<b>McGILL, Michael (Co)</b>
<input checked="" type="checkbox"/>	<b>GUTIERREZ, Yxstian (S)</b>	<input checked="" type="checkbox"/>	<b>McGREGOR, Derek (S, Alt)</b>
<input checked="" type="checkbox"/>	<b>JONES, Gay (Ce, Alt)</b>	<input checked="" type="checkbox"/>	<b>MOHLER, Margie (A/L, Alt)</b>
		<input checked="" type="checkbox"/>	<b>PAQUE, Anita (Ce)</b>
		<input checked="" type="checkbox"/>	<b>ROOT ASKEW, Wendy (Co, Alt)</b>
		<input type="checkbox"/>	<b>SUSMAN, Josh (N, Alt)</b>
		<input type="checkbox"/>	<b>WALLACE, Tamara (A/L, Alt)</b>
STAFF APPOINTMENTS:			
<input checked="" type="checkbox"/>	<b>ALSOP, Clark</b>	<input type="checkbox"/>	<b>LUCAS, Steve (No, Butte)</b>
<input type="checkbox"/>	<b>BELL, Gary</b>	<input checked="" type="checkbox"/>	<b>LaROCHE, René</b>
<input checked="" type="checkbox"/>	<b>BRAMFITT, Mark (Co, Sonoma)</b>	<input checked="" type="checkbox"/>	<b>LUOMA, Kai (Co, Ventura)</b>
<input type="checkbox"/>	<b>BROWNE, Scott</b>	<input type="checkbox"/>	<b>LYTLE-PINHEY, Sara (Ce, Stan.)</b>
<input checked="" type="checkbox"/>	<b>de SOUSA, Paula</b>	<input checked="" type="checkbox"/>	<b>McINTYRE, Michelle (Ce, Placer)</b>
<input checked="" type="checkbox"/>	<b>GRAF, Paula (So, Imperial)</b>	<input type="checkbox"/>	<b>MUMPOWER, Priscilla (So, Alt, S.D.)</b>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<b>ROMO, Adriana (So, L.A.)</b>
		<input checked="" type="checkbox"/>	<b>SANTSCHÉ, Colette (No, Humboldt)</b>
		<input checked="" type="checkbox"/>	<b>SERRANO, Joe (Co Alt, Santa Cruz)</b>
		<input checked="" type="checkbox"/>	<b>SPAUNHURST, Brian (Ce Alt, Fresno)</b>
		<input checked="" type="checkbox"/>	<b>STEPHENSON, Jennifer (No, Plumas)</b>
ADVISORY COMMITTEE:			
<input checked="" type="checkbox"/>	<b>CRAIG, Crystal</b>	<input type="checkbox"/>	<b>LEROMNIMON, Carolanne</b>
<input type="checkbox"/>	<b>CRAWFORD, Christine</b>	<input checked="" type="checkbox"/>	<b>SANCHEZ, Erica</b>
<input type="checkbox"/>	<b>FITZROY, Rob</b>	<input checked="" type="checkbox"/>	<b>TAPIA, Luis</b>
<input type="checkbox"/>	<b>HIGHTOWER, J.D</b>	<input type="checkbox"/>	<b>BRAVO, Tara</b>
		<input type="checkbox"/>	<b>FENDER, Brandon</b>
		<input type="checkbox"/>	<b>SIMON, Jim</b>
<b>GUESTS:</b>	Jonathan Brinkmann (Monterey), Amanda Castro (Orange), and Mike Prater (Santa Barbara)		
<b>RECORDER:</b>	René LaRoche		

**1. Welcome, Roll Call**

**9:03 AM:** The meeting was called to order by René LaRoche after the quorum was established.

**2. Approval of the Minutes of the January 12, 2024 meeting**

The minutes were unanimously approved as presented upon motion of Margie Mohler, with a second by Mike McGill.

**3. Receive an Update Regarding CALAFCO Legislative Proposals**

LaRoche gave the staff report, noting that the Omnibus bill is still waiting to be submitted but that the Indemnification bill is now SB 1209 (Cortese). She also discussed San Diego’s 56133 proposal, and provided an overview of efforts and research to date indicating difficulties with the bill. Discussion ensued and the matter was tabled to the March 22, 2024 meeting for further discussion. LaRoche to



provide copies of her research and that representatives from San Diego attend the next meeting. Clarification, is moving forward.

**4. Legislation Affecting LAFCOs**

LaRoche noted the changes to AB 805 (Arambula) and sought a determination of position and a suggestion received from Steve Lucas to add a requirement for the state board to consult with LAFCO. Under motion of Yxstian Gutierrez, with a second by Wendy Root Askew, the committee unanimously approved a position of “Support, if amended” with the suggested language.

**5. Receive the List of Tracked Bills**

LaRoche also noted that today is the deadline for the submission of bills, noted the heavy influx of new bills, and discussed some of the new ones that will appear in the tracking report next time.

**6. Items for next meeting**

No new items were offered.

**7. Good of the Order**

None.

**8. Adjournment to March 22, 2024, meeting at 9:00 a.m. – to be held virtually**

**10:00 AM:** Chair LaRoche adjourned the meeting, noting the March meeting date and time.

DRAFT

# LEGISLATIVE COMMITTEE MEETING STAFF REPORT

## Agenda Item No. 3 Legislation Affecting LAFCos

**Meeting Date:** March 22, 2024

**Prepared By:** René LaRoche, Chair

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### RECOMMENDATIONS

Consider legislation that may have an impact on LAFCos and take positions or provide direction, where appropriate.

### DISCUSSION

February 16<sup>th</sup> marked the last day to submit new bills and, unsurprisingly, resulted in a flurry of activity. Many of the resulting bills were introduced as spot holders and are not included in this list. However, at this time, CALAFCO is actively monitoring seven bills. Of those, AB 3277 (ALGC) and SB 1209 (Cortese) are CALAFCO sponsored bills and are consequently, listed in the Priority 1 list of bills.

The remaining bills, all of which are being tracked on the Priority 3 list, include four Brown Act bills, and [AB 805 \(Arambula\)](#), which would set up technical, administrative, financial, and other assistance to certain sewer systems in disadvantage communities.

#### Priority 1 Bills - *(Major importance & direct, significant impact or policy precedent. Resource intensive.)*

**A. AB 3277 (ALGC) Local agency formation commission: districts: property tax. – CALAFCO sponsored.**

This was an Omnibus bill submission and was moved forward as that. However, it was determined by the ALGC to not meet the technical definition of an Omnibus bill as making technical changes. However, they graciously brought it forward as a stand-alone bill.

This bill would limit the requirement for a financial analysis of ad valorem taxes during the formation of a district to those instances when a share of the tax is sought. This bill has been keyed as fiscal, and is awaiting scheduling in Appropriations, where it will most likely be placed on the Consent agenda. Once through Appropriations, it will be scheduled before the Assembly Local Government Committee for hearing.

A Call for Action went out to the LAFCos on February 29<sup>th</sup>, and letters of support have begun trickling in. The CALAFCO letter of support can be found attached as 3.A(2).

***CURRENT POSITION: Sponsor***  
***No action requested.***

**B. SB 1209 (Cortese) Indemnification – CALAFCO sponsored.**

This bill was proposed at the beginning of 2023, and seeks to authorize LAFCos to use indemnification provisions on their applications. The proposal/bill is in response to a 2022 Appellate court decision that found that LAFCos, as delegates of the state legislature, may not

use indemnification provisions on applications because they have not been authorized by the legislature to enter into indemnification agreements. This bill was proposed to correct that oversight. As of this writing, this is scheduled to go before the Senate Local Government Committee for hearing on March 20, 2024.

A Call for Action went out to the LAFCOs on February 29<sup>th</sup>, and letters of support have begun coming in. The CALAFCO letter of support can be found attached as 3.B(2).

Of the sister entities, CSAC has noted that they will be submitting a letter in support, while CSDA has advised of a watch position. However, on March 12<sup>th</sup>, the California Building Industry Association (CBIA) raised concerns with the author's office and proposed changes which would limit indemnifications only to approvals (Attachment B(3).) Such a change would be significant given that the underlying action out of San Luis Obispo, which was the impetus for the bill, was due to a commission denial. The effect of this proposed change is seen as limiting indemnifications to actions by third party litigants and only for approvals. The CALAFCO lobbying team conducted a listening session to hear CBIA's concerns on March 13<sup>th</sup> during which the author's office indicated its willingness to work with CBIA to address its concerns.

***CURRENT POSITION: Sponsor***  
***Direction Requested.***

**Priority 2 Bills – (Direct impact, or set policy precedent. Letter & testimony.)**

None.

**Priority 3 Bills – (Of interest, may have substantive effect, but low priority as to time & effort. Letter.)**

**C. AB 805 (Arambula) Sewer service: disadvantaged communities**

This bill originally sought to amend Health and Safety Code to add language to provide a mechanism allowing the State Board to order a consolidation of sewer services at the same time that it ordered consolidation of drinking water systems, the latter of which being an existing authority. It was gutted and amended on 1/22/2024 to instead add language to the Water Code to authorize the State Water Resources Control Board to provide technical, administrative, managerial, legal, or financial aid to designated sewer systems in disadvantaged communities. The bill also carries an urgency clause which would cause it to take effect immediately upon chaptering, if passed.

At the Legislative Committee meeting of February 16, 2024, the committee approved a Support, if Amended position, if language was included that would require LAFCOs to be consulted by the state board prior to it making a determination that a sewer system is a designated sewer system entitled to the assistance outlined by the bill.

Ahead of the last meeting, an email was sent to the author's Legislative Director inquiring if the author would open to such an amendment. However, a response was never received. Given the committee's position approval, a formal letter to that effect (Attachment 3.C(2)) was submitted to the legislative portal on March 8, 2024. However, since no policy hearing has been scheduled, the letter went only to the author. At this writing, no response has been received from the author, and the bill still sits in Senate Rules waiting for committee assignment.

***CURRENT POSITION: Support, If Amended***  
***Unchanged. No action requested.***

**BROWN ACT BILLS:**

**D. AB 817 (Pacheco) Open meetings: teleconferencing: subsidiary body. – BROWN ACT**

This bill began as a spot holder but was amended on 3/16/2023 to speak to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site-providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

The bill received a minor amendment on 1/17/2024, when a sunset date of January 1, 2026 was added. Bill status is unchanged from last month as it still sits in the Senate Rules Committee waiting for assignment.

***CURRENT POSITION: Watch***  
***Unchanged. No action is requested.***

**E. NEW: AB 2302 (Addis) Open meetings: local agencies: teleconferences.**

Introduced on 2/12/2024, this bill would enact changes to Brown Act provisions that allow members of legislative bodies to teleconference for meetings. Currently, the law limits teleconferencing to no more than 3 consecutive months, 20% of the regular meetings in a calendar year, or 2 meetings for bodies that meet less than 10 times in a calendar year. This bill redefines those limits into new tiers based on the meeting frequency. As proposed, the limits would be recast as 2 meetings per year for bodies meeting monthly or less; 5 meetings per year for those meeting twice per month; or 7 meetings per year if the body meets three times or more per month.

This bill has been referred to the Assembly Local Government Committee, but no hearing date has yet been scheduled.

***Recommendation: Watch.***

**F. NEW: AB 2715 (Boerner) Ralph M. Brown Act: closed sessions.**

As introduced on 2/14/2024, would make minor grammatical changes to the Brown Act. Monitoring.

This bill has been referred to the Assembly Local Government Committee, but no hearing date has yet been scheduled.

***Recommendation: Watch.***

**G. SB 537 (Becker) Open meetings: multijurisdictional, cross-county agencies: teleconferences. – BROWN ACT**

This bill is sponsored by Peninsula Clean Energy, and seeks to add teleconferencing provisions allowing legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross

county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity. Peninsula Clean Energy is a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

The bill passed out of the Assembly Local Government Committee on July 12, 2023. It was then amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

On September 14, 2023, the bill was moved into the inactive file where it remains.

***CURRENT POSITION: Watch***  
***Unchanged. No action is requested.***

## **ATTACHMENTS**

- 3. A. – AB 3277 (ALCG), Ad Valorem Tax Analysis – CALAFCO Sponsored Bill
- 3. A(2) – AB 3277 CALAFCO Letter of Support
- 3. B. – SB 1209 (Cortese), Indemnification Provision – CALAFCO Sponsored Bill
- 3. B(2) – SB 1209 CALAFCO Letter of Support
- 3. B(3) – SB 1209 CBIA Proposal
- 3. C. – AB 805 (Arambula), Sewer service: disadvantaged communities
- 3. C(2) – CALAFCO Support, if Amended letter
- 3. D. – AB 817 (Pacheco) Brown Act, subsidiary body
- 3. E. – AB 2302 (Addis) Open meetings: local agencies: teleconferences.
- 3. F. – AB 2715 (Boerner) Ralph M. Brown Act: closed sessions.
- 3. G. – SB 537 (Becker) Brown Act, multijurisdictional cross-country agencies

## ATTACHMENT 3.A - AB 3277 (ALGC)

## CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 3277

## Introduced by Committee on Local Government

February 27, 2024

An act to amend Section 56810 of the Government Code, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

AB 3277, as introduced, Committee on Local Government. Local agency formation commission: districts: property tax.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Existing law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Existing law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined.

This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes. By adding to the duties of a local agency formation commission, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

**Digest Key**

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**Bill Text****THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:****SECTION 1.** Section 56810 of the Government Code is amended to read:

56810. (a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, *and if the applicant is seeking a share of the 1 percent ad valorem property taxes*, the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

(b) The commission shall notify the county auditor of the proposal and the services which the new jurisdiction proposes to assume within the area, and identify for the auditor the existing service providers within the area subject to the proposal.

(c) If the proposal would not transfer all of an affected agency's service responsibilities to the proposed city or district, the commission and the county auditor shall do all of the following:

ATTACHMENT A



(1) The county auditor shall determine the proportion that the amount of property tax revenue derived by each affected local agency pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources, available for general purposes, received by each affected local agency in the prior fiscal year. For purposes of making this determination and the determination required by paragraph (3), "total amount of revenue from all sources available for general purposes" means the total amount of revenue which an affected local agency may use on a discretionary basis for any purpose and does not include any of the following:

(A) Revenue which, by statute, is required to be used for a specific purpose.

(B) Revenue from fees, charges, or assessments which are levied to specifically offset the cost of particular services and do not exceed the cost reasonably borne in providing these services.

(C) Revenue received from the federal government which is required to be used for a specific purpose.

(2) The commission shall determine, based on information submitted by each affected local agency, an amount equal to the total net cost to each affected local agency during the prior fiscal year of providing those services which the new jurisdiction will assume within the area subject to the proposal. For purposes of this paragraph, "total net cost" means the total direct and indirect costs that were funded by general purpose revenues of the affected local agency and excludes any portion of the total cost that was funded by any revenues of that agency that are specified in subparagraphs (A), (B), and (C) of paragraph (1).

(3) The commission shall multiply the amount determined pursuant to paragraph (2) for each affected local agency by the corresponding proportion determined pursuant to paragraph (1) to derive the amount of property tax revenue used to provide services by each affected local agency during the prior fiscal year within the area subject to the proposal. The county auditor shall adjust the amount described in the previous sentence by the annual tax increment according to the procedures set forth in Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, to the fiscal year in which the new city or district receives its initial allocation of property taxes.

(4) For purposes of this subdivision, in any county in which, prior to the adoption of Article XIII A of the California Constitution, and continuing thereafter, a separate fund or funds were established consisting of revenues derived from the unincorporated area of the county and from which fund or funds services rendered in the unincorporated area have been paid, the amount of property tax revenues derived pursuant to paragraph (3), may, at the discretion of the commission, be transferred to the proposed city over a period not to exceed 12 fiscal years following its incorporation. In determining whether the transfer of the amount of property tax revenues determined pursuant to paragraph (3) shall occur entirely within the fiscal year immediately following the incorporation of the proposed city or shall be phased in over a period not to exceed 12 full fiscal years following the incorporation, the commission shall consider each of the following:

(A) The total amount of revenue from all sources available to the proposed city.

(B) The fiscal impact of the proposed transfer on the transferring agency.

(C) Any other relevant facts which interested parties to the exchange may present to the commission in written form.

The decision of the commission shall be supported by written findings setting forth the basis for its decision.

(d) If the proposal would transfer all of an affected agency's service responsibilities to the proposed city or district, the commission shall request the auditor to determine the property tax revenue generated for the affected service providers by tax rate area, or portion thereof, and transmit that information to the commission.

(e) The executive officer shall notify the auditor of the amount determined pursuant to paragraph (3) of subdivision (c) or subdivision (d), as the case may be, and, where applicable, the period of time within which and the procedure by which the transfer of property tax revenues will be effected pursuant to paragraph (4) of subdivision (c), at the time the executive officer records a certificate of completion pursuant to Section 57203 for any proposal described in subdivision (a), and the auditor shall transfer that amount to the new jurisdiction.

(f) The amendments to this section enacted during the 1985–86 Regular Session of the Legislature shall apply to any proposal described in subdivision (a) for which a certificate of completion is recorded with the county recorder on or after January 1, 1987.

(g) For purposes of this section, "prior fiscal year" means the most recent fiscal year for which data on actual direct and indirect costs and revenues needed to perform the calculations required by this section are available preceding the issuance of the certificate of filing.

(h) An action brought by a city or district to contest any determinations of the county auditor or the commission with regard to the amount of property tax revenue to be exchanged by the affected local agency pursuant to this section shall be commenced within three years of the effective date of the city's incorporation or the district's formation. These actions may be brought by any city that incorporated or by any district that formed on or after January 1, 1986.

**ATTACHMENT A**

(i) This section applies to any city that incorporated or district that formed on or after January 1, 1986.

(j) The calculations and procedures specified in this section shall be made prior to and shall be incorporated into the calculations specified in Section 56815.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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March 4, 2024

Honorable Juan Carrillo, Chair  
Assembly Local Government Committee  
1020 N St.  
Rm. 157  
Sacramento, CA 95814

**SUBJECT: SUPPORT OF AB 3277 – Local agency formation commission: districts: property tax**

Dear Chair Carillo,

The California Association of Local Agency Formation Commissions (CALAFCO), which represents Local Agency Formation Commissions (LAFCOs) throughout California, is pleased to sponsor **AB 3277**. This bill will add language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) to clarify that a financial analysis of ad valorem property taxes is needed only in those instances when a proposal for incorporation is submitted that includes the formation of a district, and in which the applicant also seeks a portion of those taxes.

Under existing statute, a commission must perform a financial analysis of ad valorem property taxes each time that a proposal is received that includes the incorporation of a city and the formation of a district – regardless of whether a prorated share of the taxes is being sought. However, the sole purpose of this analysis is to determine how best to apportion the ad valorem property taxes between the agencies.

Occasionally, an application is received in which the district waives any portion of the ad valorem taxes making a fiscal analysis unnecessary. Yet, statute is silent on that circumstance which has the effect of requiring LAFCOs to expend staff time or funds to perform an unneeded analysis. This bill, consequently, will add language that differentiates that the performance of that financial analysis is required only in those instances when it is actually needed.

For the above reasons, CALAFCO is proud to sponsor and support **AB 3277** and thanks you for your work on this bill.

I am available to answer any questions should they arise.

Sincerely Yours,

René LaRoche

cc: Members and Consultants, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus

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**ATTACHMENT 3.B - SB 1209 (Cortese)**

## CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**SENATE BILL****NO. 1209****Introduced by Senator Cortese**

February 15, 2024

An act to add Section 56383.5 to the Government Code, relating to local government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1209, as introduced, Cortese. Local agency formation commission: indemnification.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. The act continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified.

This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, arising from or relating to the action or determination by the LAFCO.

**Digest Key**

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**Bill Text****THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:****SECTION 1.** Section 56383.5 is added to the Government Code, to read:

**56383.5.** The commission may require, as a condition for processing a change of organization or reorganization, a sphere amendment or a sphere update, or any other action or determination requested from the commission, that the applicant agrees to defend, indemnify, and hold harmless the commission, its agents, officers, and employees from any claim, action, or proceeding against the commission, its agents, officers, or employees arising from or relating to the action or determination by the commission.



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March 11, 2024

Honorable David Cortese  
California State Senate  
1021 O Street, Suite 6630  
Sacramento, CA 95814

ATTACHMENT 3.B.2 - SB 1209, Letter of Support

RE: **SB 1209 (Cortese): Local agency formation commission: indemnification – SUPPORT  
Awaiting hearing – Senate Local Government Committee**

Dear Senator Cortese,

The California Association of Local Agency Formation Commissions (CALAFCO), which represents Local Agency Formation Commissions (LAFCOs) throughout California, is pleased to sponsor **SB 1209**. This bill will add language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) authorizing LAFCOs to enter into indemnification agreements with applicants. Counties and cities are already empowered to require indemnification, and routinely do so with respect to discretionary land-use approvals. **SB 1209** will provide LAFCOs with the same ability.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required in a specified ratio from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies.

Consequently, **SB 1209** will allow LAFCOs to use indemnification agreements, similar to those already in use by counties and cities in land use applications. This will prevent costs to defend litigation from being shifted to the taxpayers of the county, cities, and special districts funding a LAFCO, and removes the possibility that an applicant threatens litigation to coerce a desirable LAFCO determination.

Thank you for your work on this bill and for your consideration of this request. I am available to answer any questions you may have.

Sincerely,



René LaRoche, Executive Director  
[rlaroch@calafco.org](mailto:rlaroch@calafco.org)

cc: Members and Consultants, Senate Local Government Committee

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CBIA PROPOSED EDITS TO SB 1209

(Blue strike through is original language; red is proposed addition.)

- (a) The commission may require, as a condition for ~~processing~~ a change of organization or reorganization, a sphere amendment or a sphere update, or any other action or determination requested from the commission, that the applicant agrees to defend, indemnify, and hold harmless the commission, its agents, officers, and employees from any claim, action, or proceeding against the commission, its agents, officers, or employees to attack, set aside, void, or annul, an approval arising from or relating to the action or determination by the commission.
- (b) Any condition imposed pursuant to subdivision (a) shall include the requirement that the commission promptly notify the applicant of any claim, action or proceeding and that the commission cooperate fully in the defense. If the commission fails to promptly notify the applicant of any claim, action, or proceeding, or if the commission fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the commission.
- (c) The applicant shall not be required to pay or perform any settlement unless the settlement is approved by the applicant.



*that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.*

*The bill would require the state board to take specified actions before determining that a sewer service provider is a designated sewer system, including providing the sewer service provider an opportunity to show that it has taken steps to timely address its failure to provide adequate sewer service, conducting a public meeting, and providing an opportunity for public comment. The bill would authorize the state board to grant specified authority over the designated sewer system to the administrator, including the authority to expend money for various purposes and to set and collect sewer rates and fees, subject to approval by the state board. The bill would require the state board to work with the administrator and the communities served by the designated sewer system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver adequate sewer service so that the services of the administrator are no longer necessary.*

*Existing law creates the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund and continuously appropriates moneys in the account to the state board for specified purposes, including providing grants for cleaning up a waste, abating the effects of a waste on waters of the state, or addressing an urgent drinking water need, as provided.*

*This bill would authorize the state board to also use moneys in the account to provide grants to administrators to provide administrative, technical, operational, legal, or managerial services to a sewer service provider. By expanding the purposes for which moneys in a continuously appropriated account may be spent, the bill would make an appropriation.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

## Digest Key

Vote: **majority 2/3** Appropriation: **no yes** Fiscal Committee: **yes** Local Program: **no**

## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.** *Section 13288 of the Water Code is amended to read:*

13288. For purposes of this chapter, the following definitions apply:

*(a) "Adequate sewer service" means sanitary sewer service provided by a sewer service provider that does not have the potential to cause a violation of water quality objectives, impair present or future beneficial uses of water, cause pollution, nuisance, or contamination of waters of the state, or unreasonably degrade the waters of the state.*

*(b) "Administrator" means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this chapter, pursuant to criteria set forth in the handbook described in subdivision (h) of Section 13289.5.*

**(a)**

*(c) "Affected residence" means a residence within a disadvantaged community that may be subject to provision of sewer service pursuant to this chapter.*

**(b)**

*(d) "Affected resident" means a resident or a property owner of an affected residence.*

**(c)**

*(e) "Annexation" has the same meaning as set forth in Section 56017 of the Government Code.*

*(f) "Designated sewer system" means a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement. "Designated sewer system" also includes a voluntary participant.*

**(d)**



(g) "Disadvantaged community" means a disadvantaged community as defined in Section 79505.5.

(e)

(h) "Extension of service" has the same meaning as set forth in Section 56133 of the Government Code.

(f)

(i) "Inadequate onsite sewage treatment system" means an onsite sewage treatment system that has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, or to cause pollution, nuisance, or contamination of waters of the state.

*(j) "Inadequate sewage treatment system" means a sewer system that has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, or to cause pollution, nuisance, or contamination of waters of the state.*

(g)

(k) (1) "Onsite sewage treatment system" means an onsite sewage treatment system, as defined in Section 13290, that is not operated by a local agency, as defined in Section ~~56064~~ 56054 of the Government Code, or a utility regulated by the Public Utilities Commission.

(2) "Onsite sewage treatment system" includes, but is not limited to, a septic tank, cesspool, leach field, and seepage pit.

(h)

(l) "Provision of sewer service" means the provision of sanitary sewer service, including the collection or treatment of sewage, to a disadvantaged community by any of the following processes:

(1) Annexation where the receiving sewer system is a special district.

(2) Extension of service where the receiving sewer system is a city, county, or special district.

(3) Additional sewer service provided within city, county, or special district boundaries.

(i)

(m) "Receiving sewer system" means the sewer system that provides service to a disadvantaged community pursuant to this chapter.

*(n) "Sewer service provider" means any local agency that provides sanitary sewer service.*

(j)

(o) "Special district" means a special district as defined in Section 56036 of the Government Code.

*(p) "Voluntary participant" means the owner of an onsite sewage treatment system or sewer service provider who has agreed to accept financial assistance for the provision of adequate sewer service.*

**SEC. 2.** Section 13289.5 is added to the Water Code, immediately following Section 13289, to read:

*13289.5. (a) (1) For a designated sewer system, the state board may do any of the following:*

*(A) (i) Require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services, or any combination of those services, to assist the designated sewer system with the provision of adequate sewer service.*

*(ii) To fulfill the requirements of this section, a sewer service provider may contract with more than one administrator, but only one administrator may be used to provide services to a given designated sewer system. An administrator that is not designated or approved by the state board shall not be used for purposes of this section.*

*(iii) An administrator may provide services to more than one designated sewer system.*

*(B) Order a designated sewer system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated sewer system, from an administrator selected by the state board.*

*(C) Order a designated sewer system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to an*

ATTACHMENT A

*annexation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated sewer system.*

*(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g) of Section 116686 of the Health and Safety Code.*

*(b) The state board shall do all of the following before determining that a sewer service provider is a designated sewer system:*

*(1) Provide the sewer service provider with notice and an opportunity to show that the sewer service provider has taken steps to timely address its failure to provide adequate sewer service.*

*(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.*

*(B) The state board shall make reasonable efforts to provide a 30-day notice of the public meeting to affected ratepayers, renters, and property owners.*

*(C) The state board shall provide representatives of the sewer service provider, affected ratepayers, renters, and property owners with an opportunity to present oral and written comments at the public meeting.*

*(D) The state board shall provide an opportunity for public comment at the meeting.*

*(3) Provide the public with an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).*

*(c) The state board shall make financial assistance available to an administrator of a designated sewer system, as appropriate and to the extent that funding is available.*

*(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but is not limited to, the authority to do all of the following:*

*(1) Expend available money for capital infrastructure improvements that the designated sewer system needs to provide adequate sewer service.*

*(2) Set and collect user sewer rates and fees, subject to approval by the state board. The state board shall consider affordability when approving sewer rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.*

*(3) Expend available money for operation and maintenance costs of the designated sewer system.*

*(4) Expend available money necessary for an annexation or extension of service, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.*

*(e) The state board shall work with the administrator of a designated sewer system and the communities served by that designated sewer system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver adequate sewer service so that the services of the administrator are no longer necessary.*

*(f) A designated sewer system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated sewer system and provide adequate sewer service.*

*(g) A designated sewer system shall be responsible for funding the activities of an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to the designated sewer system. The state board shall not be responsible for providing funding for those activities.*

*(h) Before ordering a designated sewer system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures, to be incorporated in the handbook adopted pursuant to subdivision (g) of Section 116686 of the Health and Safety Code, consistent with the process provided in subdivision (a) of Section 116760.43 of the Health and Safety Code, for all of the following:*

*(1) Ensuring compliance with subdivision (f).*

*(2) Providing opportunity for public comment on the selection of an administrator and the services to be provided.*

*(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of sewer service to affected residences and to the management of the designated sewer system by the administrator.*

(4) *Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated sewer system for significant decisions or actions made on behalf of the designated sewer system, including, but not limited to, establishing operating budgets, altering sewer rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.*

(5) *Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.*

(6) *Ensuring an administrator acts in the best interests of the community served.*

(7) *Development and approval of a post-administrator sewer service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.*

(i) *An administrator appointed pursuant to this section for a designated sewer system shall not be liable for claims by past or current ratepayers, or by those affected by the sewer service provided by the designated sewer system, in either of the following circumstances:*

(1) *If good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the sewer service provider.*

(2) *For any injury or damages that occurred before the commencement of the operation period.*

(j) *This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability.*

(k) *Nothing in this section shall be construed to do any of the following:*

(1) *Relieve a sewer service provider or any other entity from complying with any provision of federal or state law, including those pertaining to water quality.*

(2) *Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency.*

(3) *Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.*

(4) *Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care.*

(l) *Nothing in this section shall absolve, indemnify, or protect a prior operator, designated sewer system, or individual from liability based on an act or failure to act prior to the operation period.*

(m) *Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.*

(n) *This section does not apply to a charter city, charter county, or charter city and county.*

(o) *For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated sewer system with the consent of the affected residence.*

**SEC. 3.** *Section 13442 of the Water Code is amended to read:*

**13442.** (a) Upon application by an eligible entity, as described in subdivision (b), the state board may approve the payment of grant moneys from the account to that entity to assist in cleaning up a waste, abating the effects of a waste on waters of the state, *addressing actions required pursuant to Section 13289.5*, or addressing an urgent drinking water need without regard to whether the need for drinking water is a result of the discharge of waste.

(b) An entity is eligible to apply for funding pursuant to this section if that entity has authority to undertake the activity described in subdivision (a) for which it seeks moneys and the entity is any of the following:

(1) A public agency.

(2) A tribal government that is on the California Tribal Consultation List maintained by the Native American Heritage Commission and is a disadvantaged community, as defined in Section 79505.5, that agrees to waive tribal sovereign immunity for the explicit purpose of regulation by the state board pursuant to this division.

(3) A not-for-profit organization serving a disadvantaged community, as defined in Section 79505.5.

**ATTACHMENT A**

(4) A community water system, as defined in Section 116275 of the Health and Safety Code, that serves a disadvantaged community, as defined in Section 79505.5.

*(5) An administrator, as defined in Section 13288.*

(c) An eligible entity shall not become liable to the state board for repayment of moneys paid to the entity under this section and expended in accordance with the state board's approval of payment, but this shall not be a defense to an action brought pursuant to subdivision (c) of Section 13304 for the recovery of moneys paid under this section.

(d) Projects using moneys that are paid to an eligible entity pursuant to this section shall be exempt from state contracting and procurement requirements set forth in the Government Code and the Public Contract Code to the extent necessary to take immediate action to protect public health and safety.

(e) The state board may adopt guidelines for the allocation and administration of these moneys that shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**SEC. 4.** *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*In order to authorize the State Water Resources Control Board to take appropriate action as soon as possible to ensure that adequate, sanitary sewer service is provided to communities, it is necessary for this act to take effect immediately.*

~~SECTION 1. Section 116682 of the Health and Safety Code is amended to read:~~

~~116682.(a)(1)The state board, in circumstances described in subparagraph (A) or (B), may order consolidation with a receiving water system as provided in this section and Section 116684. The consolidation may be physical or operational. The state board may also order the extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The consolidation shall occur within six months of the initiation of the extension of service. The state board may set timelines and performance measures to facilitate completion of consolidation.~~

~~(A)A public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, or is an at-risk water system.~~

~~(B)A disadvantaged community, in whole or in part, is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water, or are at-risk domestic wells.~~

~~(2)No later than July 1, 2020, the state board shall develop and adopt a policy that provides a process by which members of a disadvantaged community may petition the state board to consider ordering consolidation. The state board shall adopt the policy in a policy handbook consistent with the process provided for in subdivision (a) of Section 116760.43.~~

~~(b)Before ordering consolidation or extension of service as provided in this section, the state board shall do all of the following:~~

~~(1)Encourage voluntary consolidation or extension of service.~~

~~(2)Consider other enforcement remedies specified in this article.~~

~~(3)Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of water service in the affected area, the recommendations for improving service in a municipal service review, whether the consolidation or extension of service is cost effective, and any other relevant information.~~

~~(4)Consult with, and fully consider input from, the Public Utilities Commission when the consolidation would involve a water corporation subject to the commission's jurisdiction. If a receiving water system is regulated by the Public Utilities Commission, the state board shall inform the commission at least 60 days before the consolidation order, and upon issuance of the order the commission shall open a proceeding to determine cost allocation, ratemaking, and commission public participation requirements for the consolidation process.~~

~~(5)Consult with, and fully consider input from, the local government with land use planning authority over the affected area, particularly regarding any information in the general plan required by Section 65302.10 of the Government Code.~~

~~(6)Consult with, and fully consider input from, the potentially receiving water system and all public water systems in the chain of distribution of the potentially receiving water system. The input from the potentially receiving water system may include, but is not limited to, information related to the classification of the potentially subsumed water system as an at-risk water system or a state small water system or of at-risk domestic wells.~~

~~(7)Consult with, and fully consider input from, any groundwater sustainability agency in a basin that provides groundwater supply, in whole or in part, to the affected area.~~

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~~(3)The state board shall make reasonable efforts to ensure that a receiving water system and a subsumed water system are informed on a regular basis of progress regarding actions taken pursuant to this section.~~

~~(d)Before ordering consolidation or extension of service, the state board shall find all of the following:~~

~~(1)The potentially subsumed water system has consistently failed to provide an adequate supply of safe drinking water or it is at risk of doing so, as determined by the state board.~~

~~(2)Reasonable efforts to negotiate voluntary consolidation or extension of service were made.~~

~~(3)Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and technically and economically feasible. In making this finding, the state board shall consider how many owners of dwelling units served by domestic wells in the service area have provided, or are likely to provide, written consent to extension of service. The state board need not find that any specific percentage of the owners of dwelling units served by domestic wells in the service area are likely to consent to the consolidation or extension of service to serve their dwelling unit.~~

~~(4)There is no pending local agency formation commission process that is likely to resolve the problem in a reasonable amount of time.~~

~~(5)Concerns regarding water rights and water contracts of the subsumed and receiving water systems have been adequately addressed.~~

~~(6)Consolidation or extension of service is an effective and cost-effective means to provide an adequate supply of safe drinking water.~~

~~(7)The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system, infill sites within the community served by the subsumed water system, residents of disadvantaged communities in existence as of the date of consolidation and that are located along the service line connecting the subsumed water system and the receiving water system, and vacant lots within the community served by the subsumed water system that are zoned to allow residential use and have no more than one other vacant lot between that parcel and an infill parcel, including capacity needed for services such as firefighting.~~

~~(e)Upon ordering consolidation or extension of service, the state board shall do all of the following:~~

~~(1)As necessary and appropriate, as determined by the state board, compensate the receiving water system for any capacity lost as a result of the consolidation or extension of service either by paying the water system's capacity charge set out in the water system's adopted rate structure or by providing additional capacity needed as a result of the consolidation or extension of service, and by paying legal fees. When the receiving water system is compensated for capacity lost by payment of a capacity charge, the capacity charge shall be paid only to the extent that it does not exceed the reasonable cost of providing the service in accordance with Section 66013 of the Government Code. If capacity beyond what is needed for consolidation is provided by a project funded through the state board, the state board shall retain an option to use that capacity for future consolidations, without paying additional capacity charges, for five years, unless it releases that option in writing. Funding pursuant to this paragraph is available for the general purpose of providing financial assistance for the infrastructure needed for the consolidation or extension of service and does not need to be specific to each individual consolidation project. The state board shall provide appropriate financial assistance for the water infrastructure needed for the consolidation or extension of service. The state board's existing financial assistance guidelines and policies shall be the basis for the financial assistance.~~

~~(2)Ensure payment of standard local agency formation commission fees caused by state board-ordered consolidation or extension of service.~~

~~(3)Adequately compensate the owners of a privately owned subsumed water system for the fair market value of the system, as determined by the Public Utilities Commission or the state board.~~

~~(4)Coordinate with the appropriate local agency formation commission and other relevant local agencies to facilitate the change of organization or reorganization.~~

~~(5)If ordering consolidation or extension of service between two water systems, consider any existing domestic wells within the service area that could also be subject to consolidation or extension of service pursuant to this section.~~

~~(6)If ordering consolidation or extension of service to a community containing residences served by domestic wells, promptly take all reasonable steps to obtain written consent to the consolidation or extension of service from an owner of each residence served by a domestic well.~~

~~(f)If funds are appropriated for this purpose, the state board may make funds available for the purposes of subdivision (e), as necessary and appropriate, to the receiving water system, the subsumed water system, or an administrator providing full oversight of construction or development projects related to a consolidation or extension of service.~~

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~~(g)(1) For purposes of this section, fees, charges, and terms and conditions that may be imposed on new and existing customers of a receiving water system shall be subject to the following limitations:~~

~~(A) The consolidated water system shall not increase charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customers receive a corresponding benefit.~~

~~(B) Except as provided in paragraph (2), fees or charges imposed on a customer of a subsumed water system shall not exceed the costs of the service.~~

~~(C) Except as provided in paragraph (2), the receiving water system shall not charge any fees to, or place conditions on, customers of the subsumed water system that it does not charge to, or impose on, new customers that are not subject to the consolidation with the receiving water system.~~

~~(2)(A) Notwithstanding subparagraph (B) or (C) of paragraph (1), if costs incurred by the receiving water system in completing the consolidation or extension of service are not otherwise recoverable as provided in subparagraph (B) of this paragraph, the receiving water system may charge fees to customers of the subsumed water system to recover those costs.~~

~~(B) A receiving water system shall not charge a fee pursuant to subparagraph (A) for costs that are otherwise recoverable from the state, the federal government, programs administered by local agencies, parties responsible for causing contamination that the consolidation or extension of service is designed to address, or other sources, as determined by the state board.~~

~~(h) The state board shall not, pursuant to this section, fund public works or upgrades unrelated to the delivery of an adequate supply of affordable, safe drinking water, including, but not limited to, the installation of streetlights, sidewalks, curbs, and gutters. A local agency's decision whether to provide these public works or upgrades shall not delay the consolidation or extension of service.~~

~~(i) When a public water system is operated by a local educational agency, the state board may order a receiving water system to consolidate or extend service to a public water system operated by a local educational agency pursuant to this section if both the following additional conditions are met:~~

~~(1) The local educational agency serves students from one or more census blocks that are disadvantaged communities.~~

~~(2) The state board obtains a written determination from the local educational agency that the state board's analysis in the financing package, developed pursuant to subparagraph (B) of paragraph (8) of subdivision (b), indicates that consolidating or extending service would not result in additional unacceptable costs to the local educational agency and would result in safe drinking water being available to the local educational agency.~~

~~(j) An order pursuant to this section shall not require consolidation or extension of service to a residence served solely by a domestic well until an owner of the affected residence provides written consent to the consolidation or extension of service. Any domestic well owner within the consolidation or extended service area that does not provide written consent shall be ineligible, until the consent is provided, for any future water-related grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.~~

~~(k) A finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells shall be based on the maps created pursuant to paragraph (1) of subdivision (a) of Section 116772 and inspection or testing of the domestic wells showing an imminent risk of failing to provide an adequate supply of safe drinking water.~~

~~(f) The state board may prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.~~

~~(m) Division 3 (commencing with Section 56000) of Title 5 of the Government Code does not apply to an action taken by the state board pursuant to this section.~~

~~(n) If sufficient funding is available, the state board may order consolidation of sewer service along with an order of consolidation of drinking water pursuant to this section, when both the subsumed water system and receiving water system provide sewer service, after doing all of the following:~~

~~(1) Consulting with, and fully considering input from, the relevant regional water board.~~

~~(2) Consulting with, and fully considering input from, the receiving water system.~~

~~(3) Conducting outreach to ratepayers and residents served by the receiving water system and subsumed water system, including identifiable local community groups. These outreach efforts shall gauge community support for consolidation of the subsumed water system. The state board shall consider the results of this outreach when deciding whether to order consolidation of the sewer services of the subsumed water system.~~

~~SEC. 2. Section 116686 of the Health and Safety Code is amended to read:~~

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~~(3) Expend available moneys for operation and maintenance costs of the designated water system.~~

~~(4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.~~

~~(e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable time, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary.~~

~~(f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water or provision of sewer service.~~

~~(g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:~~

~~(1) Ensuring compliance with subdivision (f).~~

~~(2) Providing opportunity for public comment on the selection of an administrator and the services to be provided.~~

~~(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator.~~

~~(4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.~~

~~(5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.~~

~~(6) Ensuring an administrator acts in the best interests of the community served.~~

~~(7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.~~

~~(h) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, if good faith, reasonable effort, and ordinary care were used by the administrator to assume possession of, or to operate, the designated water system.~~

~~(i) An administrator appointed pursuant to this section for a designated water system shall not be liable for claims by past or existing ratepayers, or those who consumed water provided through the designated water system, for any injury or damages that occurred before the commencement of the operation period.~~

~~(j) This section does not limit or supersede any other law authorizing claims against the state board or providing a defense to liability, and shall not be construed to create any new or expanded basis for liability.~~

~~(k) Nothing in this section shall be construed to do any of the following:~~

~~(1) Relieve a water district, water wholesaler, or any other entity from complying with any provision of federal or state law, including those pertaining to drinking water quality.~~

~~(2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or other public prosecutor, or impair any other action or proceeding brought by, or on behalf of, a regulatory agency.~~

~~(3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.~~

~~(4) Relieve any person or entity from liability for action or inaction in bad faith, or without reasonable effort or ordinary care.~~

~~(l) Nothing in this section shall absolve, indemnify, or protect a prior operator, designated water system, or individual from liability based on an act or failure to act prior to the operation period.~~

~~(m) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with~~

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March 8, 2024

ATTACHMENT 3.C.2. - AB 805, CALAFCO Letter of Support

The Honorable Joaquin Arambula  
California State Assembly  
1021 O Street, Suite 6130  
Sacramento, CA 95814

**Subject: SUPPORT IF AMENDED - AB 805 (Arambula) Sewer service: disadvantaged communities - as amended January 22, 2024**

Dear Assemblymember Arambula,

The California Association of Local Agency Formation Commissions (CALAFCO), which represents Local Agency Formation Commissions (LAFCOs) throughout California, **supports Assembly Bill (AB) 805**, as of January 22, 2024, **if amended** to include a new subsection to proposed section 13289.5(b) to require the state board to:

*Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of sewer services in the affected area, the recommendations for improving service made in a municipal service review, whether a consolidation or extension of service would be cost effective, and any other relevant information.*

The suggested language is not precedent-setting as it mirrors existing provisions found in Health and Safety Code Section 116682 regarding state board water system consolidations. More importantly, since a local LAFCO may already have conducted an analysis on the underlying wastewater system and already developed recommendations, adding a requirement for the state board to consult with LAFCO helps ensure that taxpayer funds are not spent on duplicative data gathering efforts, while also playing a role in mitigating unintended impacts on other regional services. Further, requiring communication between the state board and LAFCOs also provides timely notice to LAFCOs of potential changes that may be relevant to them when performing Municipal Service Reviews or fulfilling other mandated LAFCO functions regarding wastewater systems.

There is no question that good governance requires the collection and analysis of extensive amounts of information to inform decision-making. Requiring the state board to consult with LAFCOs when determining if a sewer service provider is a designated sewer system bridges a communication gap which, in turn, will reduce duplicative fact-gathering processes. Requiring consultation and communication in this way will also ensure that all relevant data and information is obtained by the state board and the local LAFCO in a timely fashion. Consequently, CALAFCO **Supports AB 805, as of January 22, 2024, if amended** as noted above.

Thank you for your work on this bill and for your consideration of this request. I am available to answer any questions you may have.

Sincerely,

René LaRoche, Executive Director  
[rlaroche@calafco.org](mailto:rlaroche@calafco.org)

cc: Members and Consultants, Senate Local Government Committee

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54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in either of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

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(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for ~~a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.~~ *more than the following number of meetings, as applicable:*

*(i) Two meetings per year, if the legislative body regularly meets once per month or less.*

*(ii) Five meetings per year, if the legislative body regularly meets twice per month.*

*(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.*

*(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.*



(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act, which amends Section 54953 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for remote participation by a member of a legislative body in teleconference meetings.

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(c) (1) Subject to paragraph (2), this chapter ~~shall not be construed to~~ *does not* prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of ~~his or her~~ *their* right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act, which amends Section 54957 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

By authorizing closed sessions of legislative bodies relating to cybersecurity, this bill allows a legislative body to receive, confidentially discuss, and learn about cybersecurity risks, vulnerabilities, and threats facing the agency, thereby enabling the legislative body to make fully informed cybersecurity-related decisions in open session. The bill protects information and deliberations related to an agency's cybersecurity in order to protect against current or future cybersecurity attacks on the agency that can damage public facilities and services.

**SEC. 3.** The Legislature finds and declares that Section 1 of this act, which amends Section 54957 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

By authorizing closed sessions of legislative bodies relating to cybersecurity, this bill allows a legislative body to receive, confidentially discuss, and learn about cybersecurity risks, vulnerabilities, and threats facing the agency, thereby enabling the legislative body to make fully informed cybersecurity-related decisions in open session. The bill protects information and deliberations related to an agency's cybersecurity in order to protect against current or future cybersecurity attacks on the agency that can damage public facilities and services.





(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a



disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items

during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.



(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in ~~any~~ *either* of the following circumstances:

~~(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.~~

~~(B)~~

(A) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

~~(C)~~

(B) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph ~~(B)~~, (A), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to

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the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph ~~(F)~~; (D), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph ~~(F)~~; (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, ~~or state or local officials have imposed or recommended measures to promote social distancing~~; in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than ~~30~~ 45 days after teleconferencing for the first time pursuant to subparagraph ~~(A)~~; (B), or ~~(C)~~ (A) or (B) of paragraph (1), and every ~~30~~ 45 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

~~(B) Any of the following circumstances exist:~~

~~(i)~~

(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.

~~(ii) State or local officials continue to impose or recommend measures to promote social distancing.~~

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's

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control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing ~~members of~~ the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:



(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

*(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.*

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(6) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(7) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(9) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, ~~2024~~, 2026, and as of that date is repealed.

**SEC. 2.** Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:

~~54953.~~ (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.



(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d).

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.



(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 2.5.** *Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, is amended to read:*

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in ~~subdivision (d):~~ *subdivisions (d) and (e).*

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(B) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

~~(E)~~

(C) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

~~(F)~~

(D) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

~~(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:~~

~~(A) One of the following circumstances applies:~~

~~(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.~~

~~(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 4 of the Civil Code). For the purposes of this clause, the following requirements apply:~~

~~(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.~~

~~(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.~~

~~(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.~~

~~(C) The member shall participate through both audio and visual technology.~~

~~(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.~~

*(E) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (D), to provide public comment until that timed public comment period has elapsed.*

*(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (D), or otherwise be recognized for the purpose of providing public comment.*

*(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (D), until the timed general public comment period has elapsed.*

*(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:*

*(A) The legislative body has reconsidered the circumstances of the state of emergency.*

*(B) The state of emergency continues to directly impact the ability of the members to meet safely in person.*

*(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.*

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing ~~members of~~ the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

~~(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.~~

~~(2) "Just cause" means any of the following:~~

~~(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.~~

~~(B) A contagious illness that prevents a member from attending in person.~~

~~(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).~~

~~(D) Travel while on official business of the legislative body or another state or local agency.~~

~~(3) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.~~

~~(4) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.~~

*(1) "State of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).*

~~(5)~~

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(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

~~(6) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.~~

~~(7) "Two-way telephonic service" means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.~~

~~(8) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.~~

(j) This section shall become operative January 1, ~~2024, shall remain in effect only until January 1, 2026, and as of that date is repealed: 2026.~~

**SEC. 3.** Section 54953.4 is added to the Government Code, to read:

54953.4. (a) For purposes of this section, the following definitions apply:

(1) "Eligible legislative body" means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(b) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the legislative body complies with this section.

(c) An eligible legislative body shall not use teleconferencing pursuant to this section unless the eligible legislative body has adopted a resolution that authorizes the eligible legislative body to use teleconferencing at a regular meeting in open session.

(d) An eligible legislative body that holds a meeting pursuant to this section shall comply with all of the following:

(1) In each notice and posting of the time or agenda of the teleconferenced meeting, the eligible legislative body shall include the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(2) In the event of a disruption that prevents the eligible legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the eligible legislative body's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(3) The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

(4) (A) If an eligible legislative body provides a timed public comment period for each agenda item, the eligible legislative body shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subdivision (f), to provide public comment until that timed public comment period has elapsed.

(B) If an eligible legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, the eligible legislative body shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subdivision (f).

(C) If an eligible legislative body provides a timed general public comment period that does not correspond to a specific agenda item, the eligible legislative body shall not close the public comment period or the opportunity to register, pursuant to subdivision (f), until the timed general public comment period has elapsed.

(5) Except as provided in Section 54953.3, an eligible legislative body, within ~~seven~~ 10 days of holding a teleconference meeting, shall provide ~~both~~ all of the following on its internet website:



(A) A record of attendance of ~~both community members and the~~ members of the eligible legislative body.

*(B) (i) The number of community members in attendance in the teleconference meeting.*

*(ii) The number of community members in attendance at the physical location of the public meeting may be provided in addition to the requirement specified in clause (i).*

~~(B)~~

(C) The number of public comments in the meeting.

(6) (A) At least a quorum of the members of the eligible legislative body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(B) Any member of the eligible legislative body who receives compensation for their service on the eligible legislative body shall participate from a physical location that is open to the public. For purposes of this subparagraph, "compensation" does not include reimbursement for traveling or other actual and necessary expenses incurred in connection with participating in person.

(C) The eligible legislative body shall identify each member of the eligible legislative body who plans to participate remotely in the agenda and shall include the address of the publicly accessible building from where they will participate via teleconference. The specific room or location within the publicly accessible building from which a member participates via teleconference is not required to be publicly accessible.

(7) The eligible legislative body shall provide a physical location from which the public may attend or comment.

(8) The eligible legislative body shall comply with all requirements of Section 54953 except paragraph (3) of subdivision (b) of that section.

(e) A member of the eligible legislative body shall not participate in a meeting remotely pursuant to this section unless they meet both of the following requirements:

(1) The location from which the member participates is more than 40 miles from the in-person location of the meeting.

(2) The member participates from their office or another location in a publicly accessible building.

(f) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of a third-party internet website or other online platform during a meeting held pursuant to this section may be required to register to log in to the teleconference if both of the following conditions are met:

(1) The internet website or online platform requires that registration.

(2) The decision to require registration is not under the control of the legislative body.

(g) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 4.** The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

**SEC. 5.** *Sections 1.5 and 2.5 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 557. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 557, in which case Section 54953 of the Government Code, as amended by Sections 1 and 2 of this bill, shall remain operative only until the operative date of Assembly Bill 557, at which time Sections 1.5 and 2.5 of this bill shall become operative.*

~~SEC. 5.~~ **SEC. 6.** The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3

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of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Permitting remote participation for just cause due to a member's immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

~~SEC. 6.~~ **SEC. 7.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Virtual meetings have allowed much easier access to appointed bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy. In-person meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of illnesses.

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## **LEGISLATIVE COMMITTEE MEETING STAFF REPORT**

### **Agenda Item No. 4 Resume Tabled Discussion Regarding 56133 Proposal**

**Meeting Date:** March 22, 2024

**Prepared By:** René LaRoche, Chair

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#### **RECOMMENDATIONS**

Resume the discussion regarding the 56133 legislative proposal (2019), that was tabled at the February 16, 2024, meeting of the Legislative Committee and consider strategy.

#### **BACKGROUND**

During the February 16, 2024 Legislative Committee meeting, an update was provided on the 56133 legislative proposal. Discussions with the Assembly and Senate Consultants and the CALAFCO lobbyist were recounted in which all three had indicated that the proposal would constitute an expansion of LAFCO authority, which significantly reduces the chance of success or even procuring an author.

Discussions with the submitter of the proposal were also reported upon, along with research undertaken to determine the legislative intent of GC 56133. In reporting on the research, it was noted that the author's statement, and other legislative documents, validated the views expressed by the consultants and lobbyist. Given the increased effort and cost needed to move a bill perceived as expanding LAFCO authority, and the reduced likelihood of success, the committee was also advised that the matter would need to be rescheduled before the Board of Directors at its upcoming April meeting.

Upon hearing of the research and the memo documenting it, multiple requests for copies were received from committee members. Consequently, the discussion was tabled pending distribution of the memo. That confidential memo was distributed separately to the committee members on February 29, 2024, and this item continues that discussion.

#### **DISCUSSION**

When the committee first received the 56133 proposal (Attachment A), it was with the understanding that LAFCOs were already authorized to review all contracts falling under Government Code Section 56133 (Attachment B) and that additional language was needed to merely clarify that agencies could not choose to bypass LAFCOs, in what became termed as "self-exemption." However, the discovery of a well-documented legislative intent behind existing statutes significantly changes the calculus regarding what is needed to successfully move a bill that will be perceived by the legislature as expanding LAFCO authority.

Historically, all substantive LAFCO laws, from their initial creation to the significant legislative changes that followed, have been fueled and supported by unbiased external findings and recommendations. (The 1960 report by the Commission on Metropolitan Area Problems; the 2000 Growth Within Bounds report by the Commission on Local Governance for the 21st Century; and the 2017 Little Hoover Commission report on Special Districts and LAFCOs.) While CALAFCO partnered with Butte, San Diego, and Ventura LAFCOs to explore this issue in a 2022 white paper (Attachment

C), there remains a critical lack of unbiased external findings and recommendations regarding this issue. That, combined with the lack of statewide data to support such a bill, is seen as a fatal flaw.

However, despite those limitations, the underlying need to obtain information remains. Consequently, the committee is being asked to consider a strategic course correction.

Specifically, staff is recommending that the focus of the effort be narrowed to a noticing provision that would require that LAFCOs be apprised of exempt contracts within a specified number of days of a determined mark (date of contract approval, execution, implementation, etc.).

Narrowing the focus in this way:

1. Would not constitute any expansion of LAFCO authority;
2. Provides information that the LAFCOs need;
3. Creates a mechanism for the collection of statewide data in the longer term which might prove beneficial to future legislative efforts; and
4. Would be a transparency issue which carries a significantly higher probability of success.

Thus, for the above reasons, the committee is being asked to resume its previous discussion, and consider whether changing the focus of the 56133 proposal would be advantageous.

## **ATTACHMENTS**

4. A. 56133 Legislative proposal, 2019
4. B. Government Code Section 56133
4. C. CALAFCO White Paper, 2022

**C A L A F C O**  
**LEGISLATIVE PROPOSAL REQUEST**  
**2020 Legislative Year**  
**DRAFT 11- 20 – 2019 (Updated)**

***CALAFCO will consider any proposals for improving or clarifying the Cortese-Knox-Hertzberg Act or related laws when it can be shown to provide benefit or assistance to the Mission and policy principles of CALAFCO. Requesting agencies are expected to provide sufficient explanation for proposals in order for the CALAFCO Legislative Committee to consider the proposal. Please complete the following questions as thoroughly as possible. PROPOSALS ARE DUE BY 12:00 P.M., MONDAY, NOVEMBER 4, 2019.***

***REMEMBER THAT PROPOSALS FOR THE OMNIBUS BILL MUST BE NON-CONTROVERSIAL, HAVE NO OPPOSITION AND BE MINOR TECHNICAL CORRECTIONS. WE CANNOT ACCEPT ANYTHING FOR THE OMNIBUS THAT DOES NOT MEET THIS CRITERIA AND PROPOSALS OF THIS NATURE FOR THE OMNIBUS WILL NOT BE FORWARDED TO THE LEGISLATIVE COMMITTEE.***

**PROPOSAL SUMMARY:**

What Code Section (s) and specific language are proposed for change?

Amend C-K-H Government Code Section 56133:

#1

Add clarifying wording that *a commission shall determine when exemptions are applicable* for providing new or extended services under Section 56133 (e).

#2

Add reference to *“functions”* in Section 56133 so that all references to “new or extended services” will read “new or extended services or *functions*”.

Which CALAFCO Board-adopted legislative policy or priority does this proposal address? .

The proposed amendments reflect policies of CALAFCO to address good governance on behalf of applicable local agencies. Specifically:

1.1 Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes LAFCo authority.

2.1. Support the independence of LAFCo from local agencies.

4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.

5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools which provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.

5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.

Is this an Omnibus suggestion or stand-alone CALAFCO sponsored bill proposal?

\_\_\_\_\_ Omnibus                        X   Stand-alone CALAFCO sponsored bill

1. **PROBLEM. The problem(s) that the proposal would address are:**

Provide a detailed explanation of the problem(s) identified that would be solved with this proposal.

Clarifying that LAFCos determine applicability of exemptions for extraterritorial service contracts in Section 56133 (e) addresses situations where some cities and districts believe absent specific language that they are not subject to LAFCo approval for outside service agreements. Additionally, Section 56133 currently refers to only "new or extended services". However, "functions" are also subject to 56133 and, thus, should be included in 56133. For instance, the definition of "District" in Section 56063 states that districts are agencies of the state formed for the local performance of "governmental or proprietary *functions* within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133." "Functions" and "Services" are two separate things and defined differently in C-K-H. Function refers to a power, whereas; service refers to a specific activity that is performed. Both are subject to 56133 and both should be included in the section.

As further explanation, C-K-H requires LAFCos to exercise authority over functions, distinct from services, in a number of locations. For instance, when updating or



amending a sphere, “the commission shall establish the nature, location, and extent of any *functions* or classes of services provided by existing districts” (56425(i)). The Commission has authority over the “exercise of new or different *functions* or classes of services...” (56824.10). A “latent service or power” is defined as “those services, facilities, *functions*, or powers...” (Section 56050.5). Clearly, 56133 was intended to and does apply to both functions and services.

2. **SOLUTION. The proposal would address the problem in the following manner:** Describe *how* the problem would be resolved through this proposal. Include previous proposals or solutions that did not work and why they were not successful as a way to strengthen this position.

As proposed the clarifying language would eliminate ambiguity and reinforce the legislative intent of the statute for LAFCos to oversee services and functions – including exemption eligibility – the ability of cities and districts in providing extraterritorial services by contract.

3. **ORGANIZATIONAL SUPPORT.**

Besides CALAFCO, which LAFCos support the proposal? What other stakeholders may support the proposal?

Currently San Diego, Orange County, Los Angeles, Riverside, Ventura, El Dorado, Butte and Alameda LAFCos. We believe most other LAFCos will support.

4. **ARGUMENTS IN SUPPORT.**

What are the specific arguments in support of the proposal? Be as specific as possible, including data to support the argument.

Clarification as proposed was included in two earlier proposals initially supported by the CALAFCO Legislative Committee and Board of Directors in 2015. The Board ultimately ceased work on the earlier proposal given the lack of consensus by members on other and more substantive changes involving the expansion of LAFCos authority to approve outside contracts beyond spheres. Proposed for the Omnibus Bill in early 2019, these proposals were objected to by some reviewing groups. This proposal is limited to just the referenced clarifications involving the determination of exemption eligibility and adds clarifying wording regarding functions as used in other sections in CKH. Ventura and San Diego LAFCos have experienced disagreement with districts which believe it is not necessary to seek LAFCo approval for providing services or functions outside its boundaries. It is important that LAFCo have clear legislative authority to take actions or plan for services in the future.

**5. ORGANIZATIONAL OPPOSITION.**

What organizations, if any (LAFCOs or other stakeholders) have expressed or may express opposition to the proposal?

It may be expected that CSDA and ACWA may have concerns with the proposed clarifying language as they did when previously proposed as an Omnibus Bill item until detail discussions can be held with them. These were submitted as possible Omnibus Bill items in January 2019 but not considered non-controversial or a minor technical correction.

**6. ARGUMENTS IN OPPOSITION.**

What are the potential specific arguments in opposition of the proposal? Be as specific as possible, including data to support the argument.

As stated above, some agencies hold positions that LAFCo does not have clear authority to oversee some functions or services including contracting outside their territory or SOI. Financial pressures and plans for municipal services to be provided at reduced costs are resulting in more contracting between agencies and outside of urban and suburban areas. These disagreements can expect to continue if clarity in the code is not enacted.

**7. CONTACT.**

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November 20, 2019  
Attachment – Proposed Section 56133

Proposed CKH Legislation Change  
GC Section 56133

56133.

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following, *as determined by the commission or the executive officer*:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential

structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

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**State of California**

**GOVERNMENT CODE**

**Section 56133**

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56133. (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.



(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 224.3 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(Amended by Stats. 2022, Ch. 37, Sec. 3. (AB 2957) Effective January 1, 2023.)

# PLANNING FOR A SUSTAINABLE AND PREDICTABLE FUTURE

Clarifying LAFCo Authority to Determine Government Code Section 56133(e) Exemption Eligibility

2022



California Association of Local Agency Formation Commissions (CALAFCO)  
San Diego County LAFCo - Butte LAFCo - Ventura County LAFCo

[www.calafco.org](http://www.calafco.org)

ATTACHMENT A







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# INTRODUCTION

## Good Planning Requires Oversight

The State of California has a history of prolific and, at times, unplanned growth but none more pronounced than in the years following World War II. Between 1940 and 1960 the population doubled and by the early 1960's California became the most populous state in the nation.<sup>1</sup> This rapid rise in population after the war led to rapid conversion of open space and agricultural land into suburbs. However, without oversight or a planning strategy, the resulting infrastructure was often haphazard or duplicative, which led to inefficiencies in service delivery while consuming valuable agricultural land.<sup>2</sup> The California legislature recognized the need for a separate yet local entity to provide oversight in the planning and provision of services, and enacted legislation creating Local Agency Formation Commissions (LAFCoS). The year was 1963, long before the words climate change or sustainability crept into the lexicon, yet the action was nonetheless prescient as strategic planning today is considered a core principle in sustainable infrastructure.<sup>3</sup>

In fact, a 2016 Brookings Institute report titled *Delivering on Sustainable Infrastructure for Better Development and Better Climate* found that sustainable infrastructure not only is key to avoiding extreme climate change but does so without deterring economic growth.

### However, beyond that, sustainable infrastructure is also:

*...the key to poverty reduction and societal well-being in part because it enhances access to basic services and facilitates access to and knowledge about work opportunities, thus boosting human capital and quality of life. Sustainable infrastructure helps reduce poverty and extreme hunger, improve health and education levels, assist in attainment of gender equality, allows for the provision of clean water and sanitation, and provides access to affordable energy for all.*<sup>4</sup>

### Additionally:

*...badly designed infrastructure can have significant adverse distributional, environmental and health impacts that can worsen poverty levels. Literature is abundant with examples of large-scale infrastructure investments that exacerbated income inequality, resulted in increased mortality and morbidity rates, and wrought irreversible ecosystem damage.*<sup>5</sup>

<sup>1</sup> James N. Gregory. "The Shaping of California History." Encyclopedia of American Social History (New York: Scribners, 1993).

<sup>2</sup> CALAFCO. "What is LAFCo's History?" <https://calafco.org/lafco-law/faq/what-lafcos-history>

<sup>3</sup> Shirin Malekpour, Rebekah R. Brown, Fjalar J. de Haan. "Strategic planning of urban infrastructure for environmental sustainability: Understanding the past to intervene for the future." *Cities*, Volume 46, 2015, Pages 67-75.

<sup>4</sup> Amar Bhattacharya, Joshua P. Meltzer, Jeremy Oppenheim, Zia Qureshi, Nicholas Stern. "Delivering on Sustainable Infrastructure for Better Development and Better Climate." Global Economy and Development at Brookings Institution. *The New Climate Economy*, Global Commission on the Economy and Climate. December 2016. p 2.

<sup>5</sup> *Ibid.* p 5.

Fortunately, the state legislature gave LAFCos the regulatory oversight to provide this exact type of strategic land use and service planning through service reviews that they conduct when determining the spheres of influence (or the probable service boundaries) of an agency. Clearly, the stakes to ensure good planning of infrastructure and services could not be higher. That is why it is problematic when local entities avoid or ignore the LAFCo process.

This paper considers the lack of coordination and communication between agencies that ensues when cities and special districts inappropriately determine to go it alone and exempt themselves from notifying LAFCo – the defined regulatory agency for agency boundary changes and service provision – of extending services beyond their boundaries. Due to a lack of clarity, some agencies incorrectly assume they are exempt from LAFCo review under Government Code Section 56133(e) – a section that provides only limited conditions for such exemptions. This paper also considers the ramifications of this lack of clarity, including who determines whether a condition for exemption has been met and whether the proposed service provider is the most efficient and appropriate.

This paper is a collaboration of the California Association of Local Agency Formation Commissions (CALAFCO), and staff from Butte LAFCo, San Diego LAFCo, and Ventura LAFCo and is based on the experiences of a number of LAFCos.





# BACKGROUND



**In 1963 when LAFCOs were created, the Legislature had three main policy objectives:**

1. Discouraging urban sprawl;
2. Preserving open-space and prime agricultural lands; and,
3. Encouraging the efficient provision of government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.<sup>6</sup>

<sup>6</sup> California Government Code Sections 56001, 56300, 56301, 56375.



Those objectives, and all LAFCo authorities, are codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000<sup>7</sup> which delegates the Legislature’s power to coordinate and oversee the boundaries of cities and special districts to LAFCos, as well as to provide regional growth management services.

Known as the Legislature’s “watchdog” for local governance issues<sup>8</sup>, each LAFCo is governed by a board of locally elected officials, including city council members, county supervisors, representatives from special districts (in 32 of the 58 LAFCos), and at least one member of the public appointed by the other members.

For LAFCos to achieve their objectives, the Legislature empowered them with the exclusive authority to determine the jurisdictional boundaries and service areas for each city and special district in the state. Indeed, a city or district must seek LAFCo approval to expand its jurisdictional boundaries or provide a service outside its jurisdictional boundaries. Coordinating and overseeing city and special district boundaries and service areas means LAFCos in each of the 58 counties have direct oversight on who can most efficiently provide services, the timing and location of development, and the type of services that are and are not available to support the development.

It is the Legislature’s preference that municipal services should only be provided to territory that is within a service provider’s jurisdictional boundaries and, to this end, it has placed limitations on the ability of a city or district to provide services outside those boundaries. State law provides that LAFCos shall have the power “To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.”<sup>9</sup> Government Code Section 56133 requires that a city or district obtain LAFCo approval in order to provide a new or extended service by contract or agreement outside its boundaries.<sup>10</sup>

**However, the Legislature has limited LAFCo authority to approve such a service to two narrow circumstances:**

1. The service is in anticipation of a later change of organization to be approved by LAFCo, usually annexation.<sup>11</sup> This ensures that the territory to be served will eventually be brought within the jurisdictional boundaries of the service provider in the future.
2. The service is to respond to an existing or impending threat to public health and safety,<sup>12</sup> as determined by LAFCo. This ensures that the service will not induce development but is limited to addressing public health and safety.

<sup>7</sup> California Government Code Sections 56000-57550.

<sup>8</sup> Fifth District: 274 Cal.App.2d 545. 1 July 1969

<sup>9</sup> Government Code Section 56375(p)

<sup>10</sup> Government Code Section 56133(a) – “A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the [local agency formation] commission of the county in which the affected territory is located.”

<sup>11</sup> Government Code Section 56133(b) – “The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

<sup>12</sup> Government Code Section 56133(c) – “The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory...”

Absent LAFCo's determination that either of these two circumstances exist, LAFCo has no authority to approve the service and, as a result, the city or district has no authority to provide the service. It is this limitation on the authority of cities and special districts that prevents them from bypassing LAFCo review when proposing to extend services outside their boundaries.

However, state law identifies certain service scenarios under which a city or district may provide services outside its boundaries without obtaining LAFCo approval. The Legislature took care to limit these "exemptions" to services that will not induce or promote development, again ensuring that LAFCo review is necessary for services that would promote development.

**California Government Code Section 56133(e) outlines these exemptions as follows:**

1. Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
2. The transfer of nonpotable or nontreated water.
3. The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.
4. An extended service that a city or district was providing on or before January 1, 2001.
5. A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.
6. A fire protection contract, as defined in subdivision (a) of Section 56134.

While the language seems relatively clear cut at first reading, the lack of clarity has led to problems in the field that undermine the Legislature's intent for planning oversight by LAFCo. These exemptions have sometimes been utilized improperly as a "loophole" by local agencies to bypass LAFCo altogether; from executing contracts to sell water during a drought and utilizing a self-determined definition of "surplus water," to providing new and extended services which should be subject to thorough and transparent consideration by LAFCo on behalf of the general public. When confronted with the erroneous interpretation, some local entities have withdrawn their service contracts and initiated a LAFCo application; however, others, have been recalcitrant and uninterested in coordination with all affected local agencies.

Additionally, these self-exempted services lack the transparency and public process offered by LAFCo that is demanded by the taxpayers of the cities and districts who ultimately are responsible for funding the service. In addition, bypassing LAFCo review removes LAFCo as the external check to ensure that agricultural and open space lands are not being converted prematurely – as is the codified desire of the State of California.

In recent years, local LAFCos have unearthed an increasing number of service contracts that have gone unreported and unevaluated by LAFCo because the parties to the contract, despite the clear intent of the law, self-determined that LAFCo notification was not necessary. Such contracts are not only the antithesis of strategic regional planning, which is the core of sustainable infrastructure, but they also are occurring in a fashion that is not transparent to district users, offer no oversight regarding the provision of services to disadvantaged unincorporated communities, and hold no guarantees of efficiency or that agricultural and open space land will be protected.



Discovery of these contracts after the fact requires significant local agency staff time to research, coordinate, and interface with local entities. Additionally, while the threat of litigation can and has been utilized by a number of LAFCos to force compliance, not every county has the resources to fund their LAFCos sufficiently to cover extraneous legal expenses. This last point is of significant importance as it allows those persons or entities with ample financial resources to sidestep the law because the affected LAFCo may be unable to defend itself or the law. Unfortunately, having to address these contracts after the fact consumes taxpayer dollars in the form of additional staff time to address it – with varying amounts of success – or costly litigation which many small counties simply cannot afford.

# KEY ISSUES

Some local agencies have entered into contracts to provide new or extended services outside their boundaries, without benefit of LAFCo consideration, using the exemptions under Government Code Section 56133(e).

**This practice creates numerous problems including:**

## 1. Conflict Among Agencies

Unintentionally creating conflict between local agencies when a service encroaches into the jurisdiction of another agency and competing for grant money, customers, etc.

## 2. Disorderly Boundaries

In some instances, the extension of services outside of an agency's jurisdictional boundary in lieu of annexing the territory to the agency – including island areas – can create disorderly service areas. This can lead to jurisdictions with overlapping service areas causing duplicative services and conflict between agencies. In addition, an extension of services outside an agency's boundaries may exacerbate urban sprawl which is under LAFCo's authority to manage.

## 3. Conflicts with existing Government Code Section 56133(b)

Government Code Section 56133 (b) provides that a city or district may extend a service outside its boundaries only with LAFCo approval and only if the service is in anticipation of a later change of organization, usually annexation, as determined by LAFCo. When agencies fail to check-in with their local LAFCo on an extension of service, they undermine LAFCo's authority in determining whether this extension is in anticipation of a future annexation. Pertinently, this results in: (a) inhibiting LAFCo's ability to exercise its current authority to manage the orderly growth of an agency, and (b) allows agencies to extend their service areas without oversight or consideration of the current and future needs of the community.

## 4. Undermining the Legislature's Intent and LAFCo Authority

LAFCOs are empowered by the Legislature to coordinate the orderly delivery of municipal services in concert with community needs and in step with regional growth management objectives. Together these are the main principle of strategic planning and, by extension, the core of sustainable infrastructure which alleviates a host of societal problems. Self-exempted service contracts create unnecessary costs and liabilities that are otherwise completely avoidable and significantly reduce a LAFCo's ability to plan sustainable infrastructure.

## 5. Creates Unpredictably in the Development Process

Private landowners make significant decisions about property based on established norms and laws and when these laws are not implemented equally throughout the community, county or state, the resulting uncertainty is troubling.

Development interests are also denied the predictability and certainty of the consistent implementation of local land use laws and the carefully planned and financed local infrastructure plans.

# KEY EXAMPLES

## EXAMPLE 1

### Mission Resource Conservation District (San Diego County)

In July 2018, San Diego LAFCo received a formal written complaint from the Resource Conservation District of Greater San Diego County alleging that the Mission Resource Conservation District was providing new and extended services by contract beyond its jurisdictional boundary. The complaint alleged that Mission RCD actively solicits, receives, and acts on grant awards to provide services (vegetation control, irrigation audits, etc.) outside of its boundary and within the boundary of the RCD of Greater San Diego County.

Upon review of the complaint the San Diego LAFCo found the claims to be substantiated and in March 2019 issued a Cease and Desist order directing Mission RCD to immediately stop specified outside service activities due to failure to comply with Government Code Section 56133. Mission RCD responded to the cease and desist order by formally self-exempting themselves at a public Board meeting and in doing so citing eligibility to do so under Government Code Section 56133(e) despite the objections from San Diego LAFCo. The issue remains an open dispute with litigation on multiple fronts remaining a distinct possibility.

## EXAMPLE 2

### City of American Canyon/County of Napa (Napa County)

During the preparation of an inaugural Municipal Service Review (MSR) (2003-2004) on the City of American Canyon, Napa LAFCo became aware that the City was providing new and extended water services - outside its jurisdictional boundary - and predominantly within the County Airport Industrial Area located north of the City.

The enactment of Government Code Section 56133 was flagged in the MSR and proceeded to become the subject of a stand-alone analysis performed in 2007 by Napa LAFCo. Attorneys for both American Canyon and the County of Napa asserted that the City was exempt from needing LAFCo approval under Government Code Section 56133(e) so long as the outside services were within an extended "service area." Napa LAFCo proceeded – as a compromise championed by the County – to retroactively and prospectively approve all outside water service extensions within a geographically defined area (Napa County Airport and Industrial zoned lands) while directing the City to comply with Government Code Section 56133 for any future new and/or extended outside services. This latter directive remains in dispute with American Canyon as illuminated in the most recent MSR prepared by Napa LAFCo in 2018-2019.

# KEY EXAMPLES

## EXAMPLE 3

### City of Chico Sewer Connections (Butte County)

In 2013, Butte LAFCo became aware that the City of Chico had connected 62 unincorporated parcels to its sewer system without first obtaining the approval of Butte LAFCo. The City operated under the belief that these sewer connections were somehow exempt from LAFCo review under Government Code Section 56133(e). Once discovered by Butte LAFCo, the City was required to submit a LAFCo extension of sewer services application and pay all associated fees. This issue was on the verge of litigation before the City conceded LAFCo was correct. This misstep by the City seriously delayed the annexation of many unincorporated islands that would have otherwise been annexed in order to receive sewer services and remain consistent with state law to ensure orderly development, logical city boundaries, and the effective delivery of services. The delay in annexation cost some residents the ability to further develop their parcels which ultimately affected housing production and increased development pressure on fringe lands on the edge of the City Sphere of Influence.

## EXAMPLE 4

### Rock Creek Reclamation District Flood Prevention Projects (Butte County)

The Rock Creek Reclamation District desired to conduct flood control maintenance outside of its jurisdictional boundaries and believed that such efforts were exempt from LAFCo review under Government Code Section 56133(e). While the District may have been well intentioned, it is vitally important that local agency services and functions related to regional public works projects be coordinated with all affected local agencies - which is exactly what the LAFCo process is intended to accomplish.

Butte LAFCo informed the District that theirs was an incorrect reading of the law and requested they submit the proposal to Butte LAFCo. The District finally agreed, but only just before more aggressive steps were undertaken by Butte LAFCo.

LAFCo's role is to ensure that all local agency services provided are consistent with state law to ensure orderly development and the effective delivery of services.







# KEY EXAMPLES

## EXAMPLE 5

### City of Hollister/County of San Benito County (San Benito County)

In 2004, the County of San Benito, the City of Hollister, and the countywide San Benito County Water District entered into a Memorandum of Understanding (MOU) establishing the Hollister Urban Area (HUA). Under the MOU, the City of Hollister agreed to upgrade its wastewater treatment plant to serve approximately 90% of the area identified within the HUA boundary, which was to be developed in the future. However, the agreement was silent on LAFCo's role and ignored the fact that City sewer extensions into the County required LAFCo review and approval.

In November 2012, after the approval of the MOU by all parties, county staff prepared a brief report and Resolution for LAFCo to adopt the HUA boundary at a LAFCo Commission meeting. The report and resolution failed to reference a sphere of influence or formation of an entity that would have been under the purview of LAFCo to establish. Additionally, the report and resolution failed to state that the purpose of having LAFCo adopt the HUA was to satisfy provisions of Government Code (GC) Section 56133. Unfortunately, after Commission approval the City discontinued seeking LAFCo approval of sewer extensions outside the city limits from November 2012 to January 2015. One large project during this post-LAFCo period involved over 1,200 dwelling units.

On January 22, 2015, after both a thorough review of the prior actions to establish the HUA and an introduction of GC Section 56133 to the LAFCo Commission, the Commission adopted a resolution, confirming "...that the City must first request and receive written approval from the Commission" before extending sewer service outside the City limits.

On August 15, 2016, the City of Hollister, despite having been previously advised of LAFCo processes, entered into another agreement - this time with regional potable water service provider Sunnyslope County Water District (CWD). In this agreement, the jurisdictions self-determined that they were exempt, under GC section 56133(e)(1), from LAFCo approval authority. To justify this self-determination, Section 1.02 of that agreement references a 2007 "Billing and Collection Agreement" in which Sunnyslope CWD agreed to collect the monthly sewer bills for the City for any property where the District would collect a water bill. Since the Billing and Collection Agreement was not in accordance with the provisions or intent of GC Section 56133, the City and District were non-compliant with state law. However, Sunnyslope CWD continues to maintain that the City sewer extensions are exempt.

# KEY EXAMPLES

## EXAMPLE 6

### Coachella Valley Water District/City of Coachella (Riverside County)

Riverside LAFCo became aware of the City of Coachella and the Coachella Valley Water District (CVWD) providing new and extended services beyond its jurisdictional boundary in 2021 as part of its Comprehensive Countywide City Municipal Service Review process. The City of Coachella confirmed that it and CVWD are actively providing water and wastewater services outside their boundaries. CVWD boundaries overlaps the City of Coachella's boundaries and SOI boundaries. The City provides wastewater within their Sanitary District which extends outside its boundary, however never requested nor received approval from Riverside LAFCo. Separately, the City provides water outside of its boundary by contract - executed in 2007-2008 - and similarly did not request or receive approval from Riverside LAFCo.

Since the services were extended without benefit of any public process, a conflict has now arisen with the City of Indio who is arguing that they are better suited to service the area with both water and wastewater. Riverside LAFCo is currently reviewing the claims and seeking resolution.

## EXAMPLE 7

### Lake Sherwood Community Service District (Ventura County)

Ventura LAFCo became aware that the Lake Sherwood Community Services District had since 2001 approved dozens of new potable water service connections to properties located outside its boundaries without LAFCo approval. The CSD, which when formed absorbed most of a private mutual water company, believed that it could provide new water service to any of the properties that were within the now defunct mutual water company, even though they were outside the CSD's boundaries. The CSD never consulted with LAFCo, but instead self-exempted these service extensions from LAFCo review believing that since the mutual water company's existence predated January 1, 2001, serving these properties was exempt from LAFCo review under Government Code Section 56133(e)(4). It was only after multiple meetings and legal opinions that the CSD accepted that these services were not, in fact, exempt from LAFCo review, because the exemption applies only to services that were actually being provided prior to 2001. The resolution to the unlawful connections involved many months of LAFCo staff time, tens of thousands of dollars of taxpayer money, and the formation of new waterworks district, all of which could have been avoided had the CSD been required to consult with LAFCo before providing the services.

# PROPOSED SOLUTIONS

Government Code Section 56133(e) should be amended to explicitly confirm that LAFCOs - not local agencies - are the authorized entity to determine whether a contracted service requires LAFCo approval pursuant to Section 56133(b) and (c) or is exempt from the LAFCo process under 56133(e).

## This can be accomplished by either:

1. Amending the preface of Government Code Section 56133(e) to add "as determined by the commission", or
2. By adding a new subparagraph (f), which states: "Final determination regarding the applicability of exemptions under subparagraph (e) above shall rest solely with the commission."

# CONCLUSION

The Legislature clearly and significantly delegated its authority to LAFCo to regulate, examine and plan for the establishment, expansion, and reorganization (consolidations, mergers, etc.) of cities and most special districts and their municipal services against current and anticipated community needs. This regional planning is a cornerstone of consistent, predictable, and sustainable infrastructure. The intent behind Government Code Section 56133 is to limit new and/or extended municipal services outside of an agency's jurisdictional boundary to ensure that those services do not conflict with the objectives of the LAFCo and the Legislature. Due to this lack of specificity, some contracting public agencies are interpreting Section 56133(e) as not requiring any notification to LAFCo and are, in effect, exempting themselves from any notification to

LAFCo. However, LAFCos maintain that the legislative intent behind

the Cortese-Knox-Hertzberg Act makes it clear that the final determination of whether a service contract is exempt from

a LAFCo process is a function for the LAFCo – not the contracting entities. The latter is further reinforced

by the fact that a LAFCo's lack of knowledge of

a service that has been exempted, even when

rightfully exempted, impacts later service review

determinations and can introduce situations that

LAFCos were specifically created to prevent:

inefficient and duplicative services.

Consequently, an amendment to Government

Code Section 56133(e) is needed to clarify and

make explicit that it is the LAFCo, and not the

contracting service providers, which determines

when a proposed new or extended service requires

LAFCo approval or whether that service qualifies for

an exemption from a LAFCo process under Government

Code Section 56133(e).



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ATTACHMENT 5 - CALAFCO Tracking Llist

**CALAFCO List of Current Bills**  
**3/15/2024**

**AB 805** **(Arambula D) Sewer service: disadvantaged communities.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/22/2024

**Status:** 1/30/2024-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 76. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/30/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** Under current law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Current law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an inadequate onsite sewage treatment system, as defined. This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.

**Position**

Support if Amended

**Subject**

Disadvantaged Communities, Waste Water

**CALAFCO Comments:** 1/26/2024: Support, if amended, approved. Amendment requested is the inclusion of language requiring the state board to consult with the local LAFCO.

1/22/2024: Gutted and amended. No longer addresses consolidation of waste water systems but, rather, would set up a program in which the state would provide technical, managerial, administrative, and financial assistance, where applicable, to disadvantaged communities. Position changed to support if amended to include a provision requiring the state board to consult with the local LAFCO regarding the system.

As introduced, this bill would have authorized the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. It failed to meet 2023 deadlines and became a 2 year bill that cannot be acted upon until January, 2024.

**AB 817** **(Pacheco D) Open meetings: teleconferencing: subsidiary body.**

**Current Text:** Amended: 1/17/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/17/2024

**Status:** 1/25/2024-Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/25/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted

to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**Position**

Watch

**Subject**

Brown Act

**CALAFCO Comments:** 1/25/2024; Moved out of the Assembly. Waiting on assignment from Senate Rules Committee.

1/17/2024: Amended to add a Sunset date of January 1, 2026.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 828**

**(Connolly D) Sustainable groundwater management: managed wetlands.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 47. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	<b>Policy</b>	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the terms “managed wetland” and “small community water system.”

**Position**

None at this time

**Subject**

Water

**CALAFCO Comments:** 1/11/24: Amended to strike provisions regarding small community water systems serving disadvantaged communities and pivots to groundwater sustainability agencies with provisions that go into effect on January 1, 2028, that address spacing requirements on new groundwater wells, extraction controls, authorization for temporary and permanent transfers with an agency's boundaries, and to establish accounting rules.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)



(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

As introduced, would add definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

**AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 1/22/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

**Position**

Neutral

**Subject**

Special District  
Principle Acts

**CALAFCO Comments:** 1/22/2024 Amended to remove section of definitions, change the word "standards" to "guidelines", and to strike section 62412 relative to the elements of a RISE development plan to be reviewed.

Missed 2023 deadlines and became a 2 year bill.

This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process. As introduced, it focuses on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

**AB 1928 (Sanchez R) Worker classification: employees and independent contractors.**

**Current Text:** Amended: 3/4/2024 [html](#) [pdf](#)

**Introduced:** 1/25/2024

**Last Amend:** 3/4/2024

**Status:** 3/6/2024-Re-referred to Com. on L. & E.

**Location:** 2/12/2024-A. L. & E.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is known as the "ABC" test, as described above. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court's decision in Dynamex and provide that this decision does not apply for purposes of California law.

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**Position**

**Subject**

**CALAFCO Comments:** Of interest to CALAFCO because of its potential effect on operations. 1/25/2024, bill introduced. AB 1928 would repeal the provisions that were enacted by the passage of AB 5 in 2019. Known as the Gig Worker law, AB 5 reclassified which workers could be considered as contractors. A limited number of professional categories were set aside and excluded from the law. However, those not included in the exclusions were required, under new reclassification requirements, to be considered as employees regardless of whether they were performing the services in connection to an ongoing business. The shift required CALAFCO to amend its internal practices to re-classify its contractors to employees, resulting in increased costs, as well as extra reporting requirements.

**AB 1987 (Bennett D) Local government.**

**Current Text:** Introduced: 1/30/2024 [html](#) [pdf](#)

**Introduced:** 1/30/2024

**Status:** 1/31/2024-From printer. May be heard in committee March 1.

**Location:** 1/30/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law sets forth provisions for the formation, duties, and other authorizations, among other things, relating to cities, counties, cities and counties, and other local agencies. This bill would state the intent of the Legislature to enact legislation relating to local government.

**Position**

**Subject**

None at this time

**CALAFCO Comments:** Spot holder bill relative to local government. Monitoring because of its topic.

**AB 2302 (Addis D) Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/12/2024 [html](#) [pdf](#)

**Introduced:** 2/12/2024

**Status:** 2/26/2024-Referred to Com. on L. GOV.

**Location:** 2/26/2024-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

**Position**

**Subject**

Watch

Brown Act

**CALAFCO Comments:** Introduced on 2/12/2024, this bill would enact changes to Brown Act provisions that allow members of legislative bodies to teleconference for meetings. Currently, the law limits teleconferencing to no more than 3 consecutive months, 20% of the regular meetings in a calendar year, or 2 meetings for bodies that meet less than 10 times in a calendar year. This bill

**ATTACHMENT A**

redefines those limits as 2 meetings per year for bodies meeting monthly or less; 5 meetings per year for those meeting twice per month; or 7 meetings per year if the body meetings three times or more per month.

**[AB 2557](#) (Ortega D) Local agencies: legislative bodies.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 2/15/2024-From printer. May be heard in committee March 16.

**Location:** 2/14/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law defines the term "legislative body" for purposes of laws relating to cities, counties, and other local agencies. This bill would make a nonsubstantive change to that definition.

Position	Subject
Placeholder -	
Spot Bill	

**CALAFCO Comments:** Spotholder relative to GC section 53000. Monitoring.

**[AB 2596](#) (Lee D) Government operations.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 2/15/2024-From printer. May be heard in committee March 16.

**Location:** 2/14/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes the Government Operations Agency, which consists of several departments, including the Department of General Services. Current law requires the department to develop and enforce policy and procedures and institute or cause the institution of those investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state. This bill would state the intent of the Legislature to enact legislation related to government operations.

Position	Subject
Placeholder -	
Spot Bill	

**CALAFCO Comments:** Spotholder as introduced on 2/14/2024. Monitoring for changes as the Leg Counsel description mentions CKH.

**[AB 2715](#) (Boerner D) Ralph M. Brown Act: closed sessions.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 3/4/2024-Referred to Com. on L. GOV.

**Location:** 3/4/2024-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a closed session to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.

Position	Subject
None at this time	Brown Act

**CALAFCO Comments:** As introduced on 2/14/2024, would make minor changes in the Brown Act. Monitoring.

**[AB 3152](#) (Jones-Sawyer D) Local government.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/17/2024-From printer. May be heard in committee March 18.

**Location:** 2/16/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make nonsubstantive changes to those provisions.

**Position**

Placeholder -  
Spot Bill

**Subject**

**CALAFCO Comments:** Spotholder bill that references GC 56000.

**[AB 3277](#) (Committee on Local Government) Local agency formation commission: districts: property tax.**

**Current Text:** Introduced: 2/27/2024 [html](#) [pdf](#)

**Introduced:** 2/27/2024

**Status:** 2/28/2024-From printer. May be heard in committee March 29.

**Location:** 2/27/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Current law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Current law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined. This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes.

**Position**

Sponsor

**Subject**

Incorporation  
Proceedings

**CALAFCO Comments:** CALAFCO's 2024 Omnibus bill.

**[SB 537](#) (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Current Text:** Amended: 9/5/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 9/5/2023

**Status:** 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

**Location:** 9/14/2023-A. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a

ATTACHMENT A

multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position**  
Watch

**Subject**  
Brown Act

**CALAFCO Comments:** This is a spotholder bill that states an intent to expand local government’s access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023. 7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

9/14/2023, the bill was moved into the inactive file.

**SB 768**

**(Caballero D) California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 1/29/2024-A. DESK

Desk	Policy	Fiscal	Floor	<b>Desk</b>	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA, as specified.

**Position**

**Subject**

CEQA  
**ATTACHMENT A**

**CALAFCO Comments:** Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

1/11/2024: Gutted and Amended. Topic now specific to a study by the state regarding vehicle miles traveled in CEQA studies. Continuing to monitor for any detrimental changes to CEQA but, at this time, bill is not a concern to CALAFCO.

**SB 1209 (Cortese D) Local agency formation commission: indemnification.**

**Current Text:** Introduced: 2/15/2024 [html](#) [pdf](#)

**Introduced:** 2/15/2024

**Status:** 3/12/2024-Set for hearing March 20.

**Location:** 2/29/2024-S. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:** 3/20/2024 9:30 a.m. - 1021 O Street, Room 2200 SENATE LOCAL GOVERNMENT, DURAZO, MARIA ELENA, Chair

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified. This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, arising from or relating to the action or determination by the LAFCO.

**Position**

Sponsor

**Subject**

LAFCo  
Administration

**CALAFCO Comments:** CALAFCO sponsored bill in response to a 2022 appellate decision out of San Luis Obispo that held that LAFCOs could not use indemnification provisions in applications because indemnifications are a form of agreement that LAFCOs are currently not authorized to enter into. As introduced, the bill would allow LAFCOs to use provisions similar to counties and cities.

**Total Measures: 15**

**Total Tracking Forms: 15**



## CALAFCO List of Current Bills 3/18/2024

**AB 805**

**(Arambula D) Sewer service: disadvantaged communities.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/22/2024

**Status:** 1/30/2024-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. (Ayes 76. Noes 0.). In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/30/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Under current law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Current law authorizes a regional board to order the provision of sewer service by a receiving sewer system, as defined, to a disadvantaged community served by an inadequate onsite sewage treatment system, as defined. This bill would authorize the state board to require a sewer service provider to contract with an administrator designated or approved by the state board for administrative, technical, operational, legal, or managerial services to assist a designated sewer system with the provision of adequate sewer service, as defined. The bill would also authorize the state board to order a designated sewer system to accept those services, including full management and control of all aspects of the designated sewer system, from an administrator. The bill would define "designated sewer system" for these purposes as a sewer system that serves a disadvantaged community and that the state board finds to be either an inadequate sewage treatment system or a sewer system that has demonstrated difficulty in maintaining technical, managerial, and financial capacity to prevent fraud and mismanagement, or a sewer system that voluntarily accepts financial assistance for the provision of adequate sewer service.

**Position**

Support if Amended

**Subject**

Disadvantaged Communities, Waste Water

**CALAFCO Comments:** 1/26/2024: Support, if amended, approved. Amendment requested is the inclusion of language requiring the state board to consult with the local LAFCO.

1/22/2024: Gutted and amended. No longer addresses consolidation of waste water systems but, rather, would set up a program in which the state would provide technical, managerial, administrative, and financial assistance, where applicable, to disadvantaged communities. Position changed to support if amended to include a provision requiring the state board to consult with the local LAFCO regarding the system.

As introduced, this bill would have authorized the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. It failed to meet 2023 deadlines and became a 2 year bill that cannot be acted upon until January, 2024.

**AB 817**

**(Pacheco D) Open meetings: teleconferencing: subsidiary body.**

**Current Text:** Amended: 1/17/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/17/2024

**Status:** 1/25/2024-Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/25/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted



to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**Position**

Watch

**Subject**

Brown Act

**CALAFCO Comments:** 1/25/2024; Moved out of the Assembly. Waiting on assignment from Senate Rules Committee.

1/17/2024: Amended to add a Sunset date of January 1, 2026.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 828**

**(Connolly D) Sustainable groundwater management: managed wetlands.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 47. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

**Summary:** The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the terms "managed wetland" and "small community water system."

**Position**

None at this time

**Subject**

Water

**CALAFCO Comments:** 1/11/24: Amended to strike provisions regarding small community water systems serving disadvantaged communities and pivots to groundwater sustainability agencies with provisions that go into effect on January 1, 2028, that address spacing requirements on new groundwater wells, extraction controls, authorization for temporary and permanent transfers with an agency's boundaries, and to establish accounting rules.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)

(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

As introduced, would add definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

**AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

**Current Text:** Amended: 1/22/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 1/22/2024

**Status:** 1/29/2024-Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 1/29/2024-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

**Position**

Neutral

**Subject**

Special District  
Principle Acts

**CALAFCO Comments:** 1/22/2024 Amended to remove section of definitions, change the word "standards" to "guidelines", and to strike section 62412 relative to the elements of a RISE development plan to be reviewed.

Missed 2023 deadlines and became a 2 year bill.

This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process. As introduced, it focuses on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

**AB 1928 (Sanchez R) Worker classification: employees and independent contractors.**

**Current Text:** Amended: 3/4/2024 [html](#) [pdf](#)

**Introduced:** 1/25/2024

**Last Amend:** 3/4/2024

**Status:** 3/6/2024-Re-referred to Com. on L. & E.

**Location:** 2/12/2024-A. L. & E.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is known as the "ABC" test, as described above. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court's decision in Dynamex and provide that this decision does not apply for purposes of California law.

**Position**

**Subject**

**CALAFCO Comments:** Of interest to CALAFCO because of its potential effect on operations. 1/25/2024, bill introduced. AB 1928 would repeal the provisions that were enacted by the passage of AB 5 in 2019. Known as the Gig Worker law, AB 5 reclassified which workers could be considered as contractors. A limited number of professional categories were set aside and excluded from the law. However, those not included in the exclusions were required, under new reclassification requirements, to be considered as employees regardless of whether they were performing the services in connection to an ongoing business. The shift required CALAFCO to amend its internal practices to re-classify its contractors to employees, resulting in increased costs, as well as extra reporting requirements.

**AB 1987 (Bennett D) Local government.**

**Current Text:** Introduced: 1/30/2024 [html](#) [pdf](#)

**Introduced:** 1/30/2024

**Status:** 1/31/2024-From printer. May be heard in committee March 1.

**Location:** 1/30/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law sets forth provisions for the formation, duties, and other authorizations, among other things, relating to cities, counties, cities and counties, and other local agencies. This bill would state the intent of the Legislature to enact legislation relating to local government.

**Position**

None at this time

**Subject**

**CALAFCO Comments:** Spot holder bill relative to local government. Monitoring because of its topic.

**AB 2302 (Addis D) Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/12/2024 [html](#) [pdf](#)

**Introduced:** 2/12/2024

**Status:** 2/26/2024-Referred to Com. on L. GOV.

**Location:** 2/26/2024-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.

**Position**

Watch

**Subject**

Brown Act

**CALAFCO Comments:** Introduced on 2/12/2024, this bill would enact changes to Brown Act provisions that allow members of legislative bodies to teleconference for meetings. Currently, the law limits teleconferencing to no more than 3 consecutive months, 20% of the regular meetings in a calendar year, or 2 meetings for bodies that meet less than 10 times in a calendar year. This bill

redefines those limits as 2 meetings per year for bodies meeting monthly or less; 5 meetings per year for those meeting twice per month; or 7 meetings per year if the body meetings three times or more per month.

**[AB 2557](#) (Ortega D) Local agencies: legislative bodies.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 2/15/2024-From printer. May be heard in committee March 16.

**Location:** 2/14/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law defines the term "legislative body" for purposes of laws relating to cities, counties, and other local agencies. This bill would make a nonsubstantive change to that definition.

**Position**

Placeholder -  
Spot Bill

**Subject**

**CALAFCO Comments:** Spotholder relative to GC section 53000. Monitoring.

**[AB 2596](#) (Lee D) Government operations.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 2/15/2024-From printer. May be heard in committee March 16.

**Location:** 2/14/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law establishes the Government Operations Agency, which consists of several departments, including the Department of General Services. Current law requires the department to develop and enforce policy and procedures and institute or cause the institution of those investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state. This bill would state the intent of the Legislature to enact legislation related to government operations.

**Position**

Placeholder -  
Spot Bill

**Subject**

**CALAFCO Comments:** Spotholder as introduced on 2/14/2024. Monitoring for changes as the Leg Counsel description mentions CKH.

**[AB 2715](#) (Boerner D) Ralph M. Brown Act: closed sessions.**

**Current Text:** Introduced: 2/14/2024 [html](#) [pdf](#)

**Introduced:** 2/14/2024

**Status:** 3/4/2024-Referred to Com. on L. GOV.

**Location:** 3/4/2024-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Ralph M. Brown Act generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a closed session to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.

**Position**

None at this  
time

**Subject**

Brown Act

**CALAFCO Comments:** As introduced on 2/14/2024, would make minor changes in the Brown Act. Monitoring.

**[AB 3152](#) (Jones-Sawyer D) Local government.**

**Current Text:** Introduced: 2/16/2024 [html](#) [pdf](#)

**Introduced:** 2/16/2024

**Status:** 2/17/2024-From printer. May be heard in committee March 18.

**Location:** 2/16/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make nonsubstantive changes to those provisions.

**Position**

Placeholder -  
Spot Bill

**Subject**

**CALAFCO Comments:** Spotholder bill that references GC 56000.

**AB 3277 (Committee on Local Government) Local agency formation commission: districts: property tax.**

**Current Text:** Introduced: 2/27/2024 [html](#) [pdf](#)

**Introduced:** 2/27/2024

**Status:** 2/28/2024-From printer. May be heard in committee March 29.

**Location:** 2/27/2024-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Current law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Current law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined. This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes.

**Position**

Sponsor

**Subject**

Incorporation  
Proceedings

**CALAFCO Comments:** CALAFCO's 2024 Omnibus bill.

**SB 537 (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Current Text:** Amended: 9/5/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amend:** 9/5/2023

**Status:** 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

**Location:** 9/14/2023-A. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a



multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position**

Watch

**Subject**

Brown Act

**CALAFCO Comments:** This is a spotholder bill that states an intent to expand local government’s access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored by Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023. 7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

9/14/2023, the bill was moved into the inactive file.

**SB 768**

**(Caballero D) California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.**

**Current Text:** Amended: 1/11/2024 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amend:** 1/11/2024

**Status:** 1/29/2024-Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 1/29/2024-A. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA, as specified.

**Position**

**Subject**

CEQA  
ATTACHMENT B

**CALAFCO Comments:** Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.

3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

1/11/2024: Gutted and Amended. Topic now specific to a study by the state regarding vehicle miles traveled in CEQA studies. Continuing to monitor for any detrimental changes to CEQA but, at this time, bill is not a concern to CALAFCO.

**SB 1209 (Cortese D) Local agency formation commission: indemnification.**

**Current Text:** Introduced: 2/15/2024 [html](#) [pdf](#)

**Introduced:** 2/15/2024

**Status:** 3/12/2024-Set for hearing March 20.

**Location:** 2/29/2024-S. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
1st House				2nd House				Conc.				

**Calendar:** 3/20/2024 9:30 a.m. - 1021 O Street, Room 2200 SENATE LOCAL GOVERNMENT, DURAZO, MARIA ELENA, Chair

**Summary:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified. This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, arising from or relating to the action or determination by the LAFCO.

**Position**

Sponsor

**Subject**

LAFCo  
Administration

**CALAFCO Comments:** CALAFCO sponsored bill in response to a 2022 appellate decision out of San Luis Obispo that held that LAFCOs could not use indemnification provisions in applications because indemnifications are a form of agreement that LAFCOs are currently not authorized to enter into. As introduced, the bill would allow LAFCOs to use provisions similar to counties and cities.

**Total Measures: 15**

**Total Tracking Forms: 15**

3/18/2024 2:14:27 PM